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S P E E C H

OF

WARREN HASTINGS, Esq.

IN THE

HIGH COURT OF JUSTICE,

IN

WESTMINSTER HALL,

ON

THURSDAY, THE SECOND OF JUNE, 1791.

LONDON :

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P R E F A C E.

THE substance of the following Speech appeared during the Summer, and the entire Speech has been printed in the Parliamentary Register ; but many very respectable gentlemen have expressed an earnest wish to possess an accurate copy of it. The Editor has, therefore, now published it in the same form in which the speeches of the Managers were printed in former years.

THE
S P E E C H
OF
WARREN HASTINGS, Esq.
&c. &c.

AFTER the Charge of Contracts had been summed up by Sir James Erskine St. Clair, on the 30th of May, Mr. Burke informed the Lords that the Commons had completely closed their case, and desired that Mr. Hastings might be put upon his defence. Upon that occasion Mr. Hastings reminded their Lordships, that he had then a Petition lying before them for their consideration ; but be the event of that Petition what it would, he earnestly prayed to

be indulged with one day in addition to those already employed upon his trial in this session.

This request was granted ; and when Mr. Hastings appeared before their Lordships on Thursday the 2d of June, he returned them his sincere thanks for the indulgence which an amended state of health allowed him to make more use of than he conceived he should have been enabled to do, when last he had the honour to appear before them ; but still he was so hoarse from a violent cold as to be apprehensive that he should not be able to make himself perfectly heard. He was no orator, he said, nor ambitious to be reckoned an orator ; he had therefore committed what he wished to offer to their Lordships to writing, and begged permission to speak from his notes ; which being granted, Mr. Hastings proceeded in nearly the following words :

MY LORDS,

HOW painfully soever I may feel my disappointment in not being able to bring my defence before your Lordships during the continuance of the present session, I nevertheless believe it to have been an indulgence which your Lordships would, if you could, have granted ; but which it was not in your power to grant, without such a sacrifice as an individual, supported even by the call of justice, in a trial which is become of such magnitude and consequence, as to attract the attention, and alarm the interests of thousands, could not expect ; and I do therefore, with the most patient and respectful submission, bow to your determination.

I am thankful for your allowance of this one day in addition to the present session. I hope in such a manner to avail myself of it as to compensate to your Lordships no less than to myself for the trouble of

this short attendance, and to induce your Lordships to put an end speedily, and for ever, to my long and unexampled prosecution.

It was not my intention, had your Lordships complied with the prayer of my petition, to bring a laboured defence before you, applied to every allegation in the articles of the prosecution. Neither could I hope that your Lordships would endure the time which would be required for it; nor could I, if I would, produce all the evidence which would be necessary for such a mode of defence. Of thirty-four gentlemen who compose the list of witnesses, whom I had originally selected for examination, to the different and successive allegations of the charge, some are dead; some returned to their service in India; others, after an annual, but fruitless and disheartening attendance, dispersed in unknown parts of these kingdoms, or, for ought that I can tell, in the remoter regions of Europe. Those whose attendance I could engage are very few in number, chiefly gentlemen connected with me by
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the habits of familiar intercourse, and their testimony, for that reason, liable to be depreciated by the licence which the managers have assumed with the characters of those, even of their own witnesses, whose evidence has not answered their expectation of it.

These, though competent to speak in my behalf in matters of comparatively less importance, may be unacquainted with the greater points in my defence. My evidence, however selected, could not be so complete as it might have been, upon some points, because those, from whom stronger testimony might have been delivered, are no longer within my reach.

In such cases, would your Lordships admit it as an excuse for insufficient evidence, that I should have had better to produce had my trial been brought within the compass of a reasonable time from its commencement? Would it have been permitted to me, for instance, to produce the minutes taken by my Counsel and Solicitor, though attested by them upon oath, of the
exami-

examination of the late Lieutenant-colonel Eaton to a series of acts committed under his immediate notice, and all proving incontestibly the disaffection of Cheyt Sing, and a determinate plan to erect his independence on our external and growing difficulties? Yet I have no other so strong to offer to these points in corroboration of that, of which your Lordships are already in possession; and of this I am deprived, not by any neglect, or other cause which could be imputed to me, but only by the effect of that unparalleled injury which I have suffered, by the extension of a criminal trial beyond the chances of duration in human life,

This disadvantage, which every past year has augmented, every coming year will continue to augment, if it has not already attained that point, at which any evidence which I could call, would be ineffectual to the real uses of it.

Nor is it of the insufficiency of any future evidence only that I complain. Even of the past I may express my fear that
much

much must be obliterated, and the whole rendered obscure from the various lapses of time since it was delivered, and from the impossibility of distinguishing accurately between the remembrance of proofs, and the remembrance of mere allegations.

Every year has taken from me some of my Judges. New have succeeded, some by creation, some by inheritance, and others by election *. None of your Lordships

* The changes in the High Court of Justice since the trial of Mr. Hastings commenced are as follow :

Peers who have died, or are not returned in the present Parliament.

D E A D,		D E A D,	
Dukes of Cumberland	Chandos	Earls of Pomfret	Hardwicke
	Manchester		Oxford
	St. Alban's		Abercorn
	Montague		Cowper
	Leeds		Waldegrave
Earls of Huntingdon	Ferrers	Earls of Kinnoul	Graham
	Poulet		Stanhope
	Clarendon		Guilford
			Viscounts

ships will suppose I mean any disrespect,
when I observe that these cannot be sup-

D E A D,		<i>Creations.</i>	
Viscounts	Montague	Lords	Kenyon
	Bolingbroke		Dover
	Courtenay		Malmesbury
	Dudley and Ward		Fife
Bishops	Shipley of St. Asaph		Mulgrave
	Halifax of St. Asaph		Fisherwick
	Beauchamp of Hereford		Verulam
	Harley of Hereford		Grenville
	Law of Carlisle		Douglas
	Thurlow of Durham		Harewood
Barons	Le Despencer		Morton, Douglas
	Say and Sele		<i>New Bishops.</i>
	Grantley	Dr. Douglas	of Salisbury
	Boringdon		Cleaver of Chester
	Berwick		Horsley of St. David's
	Heathfield		Beadon of Gloucester
			Horne of Norwich
			Vernon of Carlisle
<i>Scott Peers not now in Par-</i>		<i>New Peers for Scotland.</i>	
<i>liament.</i>			
Marquis	of Lothian	Earls	of Kelly
Earls	of Morton		Lauderdale
	Cassilis		Dumfries
	Galloway		Elgin
	Hopetoun		Glasgow
	Aberdeen		Torpichen
	Selkirk	Total dead, or not re- turned in this Parliament } 45	
	Dunmore		
Lord	Kinnaird	Creations and new Bishops	17
Total dead, or not in } Parliament - - - }		New Peers for Scotland	6
		Changes	68
			posed

posed to possess, or to be capable of attaining, the same knowledge of the past proceedings as those who have attended to them from the beginning ; and every obstruction to that knowledge is an injury to my cause, if mine is, as I assert it to be, the cause of truth.

With so many examples of the uncertainty of human life, I cannot help advert ing a little to my own. I thank God that I have had a more equal portion of health since the commencement of this trial, than considering the broken state of my constitution, my advanced age, and the vexations of a six-years prosecution, I could have reasonably hoped to possess. Yet I have not been wholly exempt from such warnings as make me dread to trust to the contingency of another year, the chance of an event so necessary to my peace of mind, as the termination of this tedious prosecution, if by any present effort I can obtain it from your Lordships.

For these reasons, and others operating with a stronger force upon my mind,
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though unnecessary, and, perhaps, less fitting to be detailed to your Lordships, I have formed the resolution, for which I solicited my appearance on this day, before your Lordships, and for which I am alone responsible, whatever may be the event of it.

I deem it just to my Counsel to declare, that although, in all matters of a legal nature, I should rely most implicitly upon their advice ; and although I have no less reliance upon their personal zeal and attachment than on their professional talents, yet in this instance I have followed the impulse of my own judgement alone, without the aid of theirs, and even against it ; for it was not a decision subject to the rules of legal practice, but urged by internal considerations, of the force of which I alone could be the judge.

If they could have made my case so absolutely their own as to have felt the same impression of it upon their minds, that it might make upon mine, still, they could not advise me to act upon that impression
with

with hazards by which I alone might be the sufferer, and which it might be possible to avoid by waiting to a distant, though indefinite, season for a surer termination of my trial, by a regular and detailed process.

My Lords, a great portion of my life has passed among a people with whom it is an established and favourite maxim, that *SPEEDY injustice, is better than TARDY JUSTICE.*

I shall not adopt this sentiment in the literal extent of it ; nor from your Lordships shall I expect other than, at least, intentional justice : but even to your Lordships, highly as I revere your authority, and trust to the purity of your decision, I will dare to avow, that I had rather expose myself to the hazard of your present condemnation, if I thought there was a hazard of it, than wait to another year for my acquittal, with the uncertainty, that even that year would conclude the trial.

But with far different expectations, I now declare to your Lordships, that I am willing

ling and desirous to wave my defence to the charge preferred against me by the Commons of England, and to refer myself to your Lordships' immediate judgement, if your Lordships will be graciously pleased to proceed to IMMEDIATE judgement upon it,

For my acquittal I trust most confidently to the evidence adduced by my prosecutors themselves to make good their charge ; having myself listened with an attention scarce ever relaxed, or diverted from the proceedings ; and being satisfied, that not one criminal allegation of the charge has been established against me, and almost every one refuted by their own evidence, either by the replies of their oral witnesses, or by the written documents, or their context, added by the vigilance of my Counsel, to the partial and mutilated extracts from them, which were introduced by the Managers,

Your Lordships will try my conduct by the evidence which my accusers have brought before you—not by their speeches.

They

They were sent by their employers to accuse me, and to prove their accusations, not to revile me, much less to expatiate with all the licence of unrestrained declamation upon crimes, which their constituents had not authorized them to charge against me. But although I have reason, from my own observation, to believe that their laboured invectives produced on your Lordships' minds impressions favourable to my cause, in proportion as they were contradicted by the evidence before you, yet it was not to your Lordships' hearing alone that their invectives were directed.

It is the custom of this country, and I applaud and admire the motive and the end of it, that the Court, before which the trial is heard, should be open and free of access to the whole world. But, my Lords, this custom puts my fame and honour at issue with other judgements than your Lordships, and their judgements are formed not like yours, upon calm investigation, and cool unbiassed wisdom, deciding on the evidence only which has been stated ; no, my Lords, the audience come with other
minds,

minds, and with different motives. They come to hear the declamations of invective, and to be amused by the ingenuity of the orators. Bold assertions, however unfounded and unjust, are believed by them, because they are boldly made, and heard without refutation or denial. Misled by the arts of eloquence, they are deceived into opinions, of which it is impossible they can either detect the fallacy, or perceive the imposition,

They are pleased and deluded by the talents of the orator ; and whatever prejudices he wishes to create in their minds, they of necessity receive, and, after the entertainment of the day, depart with their passions inflamed, to communicate their effects to the circle of their acquaintance.

I know your Lordships do not consider such declamations as any legal proofs, and I am confident you will not suffer them to make the slightest impression on your judgements ; but is it possible that the general effect of them thus spread abroad, can fail to embitter my life, and affect my
peace

peace in society, as long as the trial lasts, by producing all the ill consequences on the public opinion, of a condemnation ? for I fear, my Lords, that the axiom of the English law, that every one is to be presumed innocent until he is proved guilty by his Judges, will weigh but little when opposed to prejudices so conceived and disseminated.

It is impossible for me to refer Judges of this description, and unnecessary for me to refer your Lordships, for the true criterion of my conduct, to the real and legal process ; I mean to the evidence adduced, and adduced even by my prosecutors themselves ; and I dare to repeat, that this evidence alone is sufficient for my acquittal, so far as it extends ; and that where it does not acquit, it does not in a single instance operate to my conviction.

My Lords, the delay has, in some measure, been imputed to myself ; how unjustly is known to your Lordships, and to all who have attended this trial. It has been said that I might have answered article

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article, by article. That proposal was rejected by my Counsel, who alone were capable of judging of its propriety : but, my Lords, who could have thought that four sessions would elapse before I should have an opportunity of answering ? There was no precedent in the history of this kingdom of a criminal *trial* lasting even through one session of Parliament, much less through five.

It was impossible for me to avail myself of the experience of others in this case, though posterity may avail itself of mine. But, my Lords, with respect to wilful delay on my part, there never was a more unfounded assertion ; for whilst my accusers have their expences borne by the public *, I am continually wasting my private fortune, and that so rapidly that every day's delay amounts to a fine. This circumstance alone was sufficient to exculpate me from every charge of delay and pro-

* The public have already paid, on account only, above forty-five thousand four hundred pounds for the expences incurred by the trial.

craftination : and this circumstance, my Lords, contributes its share (though I own but a small share) in urging me to solicit your immediate decision.

My Lords, it would be an endless task to enumerate all the items of accusation which have been made use of against me during the course of this long and tedious trial. I have been represented by one of the Managers (to use his own terms) an Encyclopedia of Criminality. It is, however, generally speaking, sufficient for the person accused, to give a general denial to general charges. But it will not take up much time to state to your Lordships the substance of the general charges, so often repeated, and so loudly proclaimed at your Lordships' bar, and to the public.

You have been told that I have ruined and depopulated the provinces entrusted to my care ; that I have violated treaties, and brought disgrace and discredit upon the British name in India ; that I have oppressed the native inhabitants by my extortion, or arbitrary demands of money ; that I have

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wasted the public treasure by profusion ; and that I have been guilty of disobedience to the orders of my superiors. This is the substance of the general charges urged against me ; and it is a great happiness and comfort to me that I have it in my power to answer them by facts of such public notoriety, as to require no proof.

My Lords, in refutation of the FIRST, namely, that I ruined the country committed to my care, I need only say, I increased the revenues of my government from three millions to five*. They have increased

* By a paper entered upon the journals of the House of Commons on the 20th of March, 1782, it appears that the total resources of the Bengal government, from April 1771, to April 1772, being the year preceding the administration of Mr. Hastings, were three crores thirteen lacks, twenty-three thousand eight hundred and ninety-five current rupees, or 3,130,895l. 10s.

By a vote of the House of Commons of the 25th of May, 1788, on the motion of Mr. Dufkdas, it appears that the total resources of the Bengal government, for

creased since my departure, and are still increasing; infallibly proving thereby an increased population, and a good government in former years. The accounts delivered annually to the House of Commons by the Minister for India are, indeed, the best answer that can possibly be given to the charge which I am now speaking of.

In answer to my having violated treaties, and brought disgrace and discredit on the British nation, I desire to inform your Lordships, that the letters of Mozuffer Jung * and Fyzoola Khan * to my successor in office were laid before the House

for the three last years of Mr. Hastings's administration, were each year, upon the average, five crores, twenty-one lacks, eighty-eight thousand, one hundred and fifty-six current rupees, or 5,218,815l. 12s., being an increase of above two millions sterling; and the resources have since been increased above three hundred thousand pounds a year.

* Mozuffer Jung is the Nabob of Furruckabad, and Fyzoola Cawn the Rohilla Chief of Rampore.

Two of the articles of impeachment have their names, but both have been abandoned by the present House of Commons.

of Commons. They requested to be treated by him as they had been treated by me. To these I may add, the letters of Moodajee Boosla *, the Sovereign of Berar, to Mr. Macpherson, wherein he speaks of me in the most honourable terms, and expresses an anxiety for my health, far beyond the common course of compliment. If farther testimony were requisite, I might also quote, the letters of Nizam Ulmoolk † to his Majesty, and of Madajee Sindia ‡ to his Majesty, and to the Company, yet more strongly expressive of their sense of my justice and good faith.

In answer to the charge of my having oppressed the natives by extortions and exactions, I have to offer the testimonials of all ranks of people in India in my favour. I trust your Lordships have not for-

* The first in rank of the Mahratta feudal Chiefs.

† The Chief or Subadár, of the province of Dacan.

‡ A Mahratta Chief, holding a large feudal territory in the West of India, and connected, during the administration of Mr. Hastings, by a separate treaty of alliance with the Company.

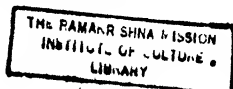
got what my accuser said upon this subject two years ago. When these memorials arrived, he felt the weight of them. He found the situation of an accuser to be very awkward, when the people, in whose name he had charged me with the grossest oppression, denied the truth of his accusations. He told your Lordships that the testimonials were extorted, and, in a figurative manner of speaking, he said, "that the hands were yet warm with the thumb screws that had been put on them."

The absurdity of this declaration was such as to require no answer. My influence in India has long ceased. It is very seldom that mankind are grateful enough to do even common justice to a fallen Minister; and I believe there never was an instance in the annals of human nature, of an injured people rising up voluntarily to bear false testimony in favour of a distant, and prosecuted oppressor.

In answer to my having squandered away the public treasure, I have only to

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refer



refer your Lordships to the amount of the expences, civil and military, of the government of Bengal during my administration, and that of my successor, in peace and in war : let the balance, which is very considerable in my favour, determine whether I have been profuse, or economical.

In answer to the general charge of disobedience to the orders of the Court of Directors, I will not pretend to say that I have in no instance deviated from their instructions ; most assuredly I have ; but wherever I have done so, I trust I shall be able to justify those deviations by the necessity of the case, and by the event.

That the Court of Directors were satisfied with the general line and tenor of my conduct, is evident from the thanks which I have been repeatedly honoured with by that body.

I have farther to say, that the general sense of the Proprietors has been at all times in my favour ; for I have had repeatedly their thanks also, in the fullest, and most unqualified manner.

My

My Lords, I am sensible, that though I had the thanks and approbation of my superiors in many instances, and though it is acknowledged by many of those who voted for my impeachment, that my services were of the utmost importance, and, in fact, have preserved India to this country*, I am sensible, I say, that notwithstanding these thanks and services, it is still possible for me to have committed many reprehensible actions, and that the performance of a thousand meritorious deeds, is no proof of innocence, in other transactions.

My Lords, although I have fully and irrefutably answered all the general charges urged against me, I cannot expect you will give me credit for perfect innocence in every particular instance, unless that innocence were proved by evidence now before you; and it is with a view of recalling your Lordships' attention to that proof, that I shall now enter into a cursory ex-

* This acknowledgement was unequivocally made in the late Parliament, both by Mr. Pitt and Mr. Dundas.

amination of the criminal points contained in the four several articles which have been brought before your Lordships.

It cannot be expected I should reply, in the space of one day, to every minute allegation which my accusers would have your Lordships behold in a criminal point of view. The want of time will not permit to go into a detail; and I must therefore direct my attention to the great points of criminality, as they are called by my accusers.

The first charge which was brought before your Lordships (I am sorry to say now more than three years ago) was, that respecting Benares—and the points to which criminality is imputed are principally these: That I violated a treaty with an independent Prince, by unjustly compelling him to pay five lacks of rupees annually for three years; that I caused his person to be arrested, and that I intended to impose upon him an enormous fine for imputed delinquency; that I expelled him from his country, and appointed a successor with a stipula-

stipulation of seventeen lacks of rupees advanced rent to the Company.

My Lords, these are the supposed principal points of criminality in the first article. These are not all; but the remainder are of an inferior nature, and so dependent upon those which I have enumerated, that they must stand or fall together.

My Lords, there is abundant evidence adduced by my prosecutors to shew that Cheyt Sing was not an independent Prince. He was, as his father and grandfather had been, the vassal of Sujah Dowla. The districts of Benares and Ghazepore were transferred to our government by the present Nabob of Oude, at a time when I myself could not be answerable for any of the acts of Administration, being then in a minority.

My Lords, it is true that my accusers took infinite pains to prove that Cheyt Sing was made independent of our government in every respect, except that of paying to

it annually twenty-three lacks of rupees, and that we had irrevocably bound ourselves down not to exact, in any case whatever, a larger sum than that just mentioned. All this body of proof is collected from the discordant minutes of the different members of the Council, and from the resolutions of the whole. Upon these minutes and resolutions they have rested Cheyt Sing's right of independency.

My Lords, I scarcely need tell you, that whatever our various resolutions or opinions might be, individually or collectively, they could not affect the right or title of Cheyt Sing to the Zemindary, nor the tenure by which he held it. He was neither more nor less than a Zemindar. His Sunnud and Pottah were made out, not from a copy of stipulations and agreements between him and the Company, but from the common formulæ of such instruments granted to zemindars in the Company's original provinces. The Rajah never pretended any right to stipulate or demand: he was content with what the Company was pleased to allow him.

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My Lords, I do again insist upon it, that no arguments, votes, or resolutions, of our Board, could confer any right or title upon Cheyt Sing, which he did not possess from his Pottah and Sunnud : therefore the whole of the evidence, which the Managers have brought respecting our various opinions on the rights of Cheyt Sing, is null and void ; and he must be considered the same as any other zemindar of the British government, with the exception of certain privileges conferred upon him, which were accurately defined in the Sunnud and Pottah.

Perhaps there never was a more unfair attempt to delude a Court of Justice than that of making me answerable for violation of a treaty with an independent Prince, who had no other claim to independence than that of being so stiled in some of our debates in Council, through the inaccuracy of language.

It follows from what I have said, that if every government has, in time of danger and necessity, a right to increase the taxes

and revenues upon their subjects, we had also the same right to increase the tax, rent, or revenue, or whatever name be given to Chyte Sing's yearly payments, upon *him*, who was our *subject*, whenever necessity should require it; and of that necessity Government only could judge.

These, my Lords, were my sentiments at the time when I moved in Council for a temporary subsidy to be paid by Chyte Sing. These are my sentiments at the present moment. I considered taxation and protection as inseparably arising from each other. I never did look upon the Sennud as exempting Chyte Sing from the customary demands which all superior states in India make upon their dependants in time of war; namely, that of aids both in money and troops. To this point of right in our government, to demand aid in troops and money during a war, I must entreat your Lordships most particularly to attend; for if your Lordships shall be of opinion with His Majesty's prime Minister, an opinion delivered with much solemnity in the House of Commons, that

our

our Government did possess the right, then all the criminality imputed to this demand of a contribution of Chyte Sing vanishes, and is totally annihilated. But should your Lordships think otherwise, which I cannot for a moment suppose, in that event my guilt will be a mere error of judgment, which is rather a weakness of human nature than a fault.

Again, if your Lordships think with me, that we had a right to call upon Chyte Sing, then the next question will be, whether our demands were too great for the urgency of the occasion, or beyond his ability to comply with. The sum demanded was only five lacks, and it was not made till after we commenced a war with the Mahrattas, and had received intelligence of a war with the French, and thought ourselves in danger of an invasion.

My Lords, I need not enter into a detail of the various objections, difficulties, and delays, which Chyte Sing made in the payment of the required aid. It is sufficient to acknowledge, that I went up the
country

country determined to call him to account for his misconduct. The result was his imprisonment and rescue, a rebellion, and his consequent expulsion from his country.

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My Lords, if we had a right to an extraordinary aid from our zemindars in time of war, we had a right to enforce that demand. We did enforce it upon Cheyt Sing; but it was attended with so many increasing difficulties and delays, that it almost rendered abortive the purposes it was intended for at a most critical season.

My Lords, it is urged against me as a matter of great criminality, that I put the Rajah Cheyt Sing under arrest. It is true, I did so; but his arrest was not attended with any disgraceful restraint, for it was in his own house.

It is also urged against me with much acrimony, that I intended to lay a fine on the Rajah of fifty lacks of rupees. The sum is undoubtedly large in sound; but it by no means exceeded the ability of Cheyt Sing to pay it with ease, as is evident from

the treasures left behind him, after he had employed all his carriage cattle to export his gold and jewels to a foreign territory. He must have been immensely rich ; and a small fine would not have been felt as any punishment by a man of his opulence. But, my Lords, whether I was wrong or right in my intention, I had no other view in it than that of relieving the necessities of the Company, by an act which I conceived to be strictly just. And after all, there certainly can be no crime in an unexecuted intention, an intention which the Rajah knows not to this hour, and which I possibly might have altered upon the Rajah's submission and promise of better conduct.

The next point of criminality is, that I appointed a successor after the expulsion of Cheyt Sing, and increased the revenues to seventeen lacks of rupees annually.

My Lords, there was no alternative between the restoration of Cheyt Sing, and the appointment of a successor. The former

mer was impossible*, and the latter consequently unavoidable. In my choice of a successor, I was guided by the rules of consanguinity and hereditary succession; and in settling the revenues, I did what my duty to the Company required of me. I fixed their amount from the best information of the country's abilities to pay it; and the annual payments of the same sum, from that time to the present, with trifling balances in some years, which have since been realized, are a sufficient testimony of its not being over-rated†.

* The Directors wrote to Bengal on the 28th of January, 1784: "*After the resistance which the Rajah had made, no countenance could be consistently shown him, nor was any measure for his restoration ever proposed.*"

† From the Resident at Benares to Earl Cornwallis, &c., in Council, dated Benares, November 5, 1790: "*I think it, however, proper to acquaint your Lordship, that the full revenue to which the honourable Company is entitled, according to the terms of the settlement concluded for the term of the Rajah's life by the late Governor General, (Mr. Hastings), has, with due regularity, and without any hardship or difficulty, been realized.*"

Before

Before I quit this article, it may be necessary to call the attention of your Lordships to another point :—Acting, as I did, under a delegated authority, I maintain, that whenever my superiors had information both of my opinion and conduct, and expressed no disapprobation of either, their silence amounted to an approbation, and may be justly pleaded by me as a full justification of my conduct. When I first proposed the demand of five lacks of rupees a year during the war, a doubt was started by Mr. Francis as to our right of making it ; I recorded my opinion, that we possessed that right which is inherent in all governments, of calling upon their subjects for extraordinary aids upon extraordinary emergencies, and that we were not precluded from exercising that right by any engagement made with Cheyt Sing.

A second debate arose at the Board upon the same question in consequence of his delays and evasions, and a pointed reference was made of the question, in both instances, to the Court of Directors, from whom I never received one word of cen-

sure or disapprobation to what we continued to do, and regularly reported in our letters and minutes, for three years successively, The same communication was made to His Majesty's Minister, the present Earl of Guildford, with whom, at his own request, I corresponded for many years.

My Lords, it would be an extremely hard case to make me answerable for an error in judgement ; into which, if I have fallen, I have fallen in common with my immediate superiors, and His Majesty's Minister. But, my Lords, I feel myself so strong, so grounded on the matter of right, that I hold it almost impossible there should be a dissenting opinion in any human being who will be at the pains of examining the question with impartiality.

My Lords, in the course of this trial ~~my~~ accusers, to excite a popular odium against me, have called me the abettor or usurper of arbitrary power. I certainly did not use the words *arbitrary power* in the sense which has been imputed to me. The language,

guage, it is true, was not my own, for I was indebted for that part of my defence to the assistance of a friend ; but this I can aver, that nothing more was meant by *arbitrary* power than *discretionary* power. I considered myself and Council as invested with that discretionary power which Commanders in Chief have over their armies, which the Legislature has lately conferred in a greater extent on Lord Cornwallis singly, and which all Governments have in their legislative capacity over the property of their subjects. I never considered that my will or caprice was to be the guide of my conduct, but that I was responsible for the use of the authority with which I was invested, to those who had conferred it on me.

My Lords, let me be tried by this rule : Did I act prudently and consistently with the interest of my superiors, and of the people whom I governed ? Whatever may be your L^{or}ship's opinion upon this question, I can with a safe conscience declare to all the world, that my intentions were

perfectly upright, and biassed by no selfish considerations whatever.

My Lords, having said thus much on the subject of the first article, I must pray your patience whilst I make a few comments on the second.

The principal point of imputed criminality in this article is, that after the Supreme Council had guaranteed the Begum in the possession of the treasure left in her custody by her deceased husband, Sujah Dowlah, I permitted her son to resume by force the said treasures, and thereby violated the guarantee. In order to influence the minds of your Lordships and the Public, great pains were taken by my accusers to represent me as guilty of the most atrocious cruelties and barbarities in the act of resumption. I have, however, the happiness to find, that it is totally unnecessary for me to enter into an exculpation of myself with regard to the latter part; for the evidence of Captain Jacques^e and Major Gilpin clearly proves, not only that no cruelties were committed in the manner which

which is stated in the articles, but if there really had been any cruelties committed, no blame could be imputed to me, nor to any person acting under the British Government. That the resumption of the Begum's jagheers, and the resumption of her treasure, had my approbation, I readily admit ; nay more, I admit, that after I had given my consent to the Nabob's resuming all the jagheers, and resuming all the treasure, I did earnestly urge him to carry his intentions into effect.

My Lords, at the time of my giving this consent, I was, from the intelligence I had received, fully convinced of the Begum's disaffection to our Government. It was not my opinion only, but it was the general rumour of the country, that she and her Ministers aided and supported Cheyt Sing in his rebellion. That such was the general rumour and public opinion, is evident from the affidavits already before your Lordships ; and notwithstanding the ingenuity of the Managers, who laboured to explain away their meanings, they still contain and afford the most ample

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ple proof of the hostile intentions, both of the Begum and her Ministers, towards our Government. But had the continuation of this session enabled me to enter into a detailed defence, I could have brought the most irresistible evidence to prove, not only the general rumour and opinion, but also that the Begum did, through her Ministers, actually lend her assistance to our enemies.

My Lords, I believe there is no state in the world that considers a guarantee, made in favour of another state, binding any longer than whilst they continue in amity with each other. The first hostile act of the party guaranteed is, and must be, a sufficient reason for withdrawing protection.

It is not expected that we should protect our enemies. It is true the Begum could not be considered as the Queen or Empress of an independent state: she was properly a Jagheerdar, under the dominion of her son; and, perhaps, there was much more internal criminality in making the guarantee, than in withdrawing it. The act of making

making it was not mine; it was done by the Resident without the knowledge of the Board; but it had their approbation after it was done. Neither do I contend, that our Government was not bound to the fulfilment of the conditions. But as a great clamour had been raised without doors about the resumption of the Begum's treasure, and as it has been represented as a most unnatural act for a son to rob his mother, I hope your Lordships will allow me to state and explain the matter.

When Sujah Dowlah died, he left a large sum of money in the custody of his wife: she had been his treasurer, and was so at his decease. By the Mahomedan laws, the widow having a dower or settlement, is not entitled to any share of the intestate's effects. Sujah Dowlah died without a will; and though possessed of a very large sum of ready money, was also very deeply in debt. His debts, if paid, would probably have consumed every rupee in his treasury. In India, as in all other countries, debts must be paid, if there are sufficient assets, prior to legacies, or any distribution

tribution among the heirs. In any point of view, the Begum had no legal right to the treasures of her deceased husband : she had no right, except that of possession ; and of that her son would have forcibly deprived her, had not the Resident interfered with his conciliatory advice between them. Nothing could excuse his interference, but the consideration of the near relationship between the parties, and the certainty of the Nabob's having his just right at the death of his mother. Had my accusers thought fit to have taken the other side of the question, they could with as much ease, and with much more justice, have influenced the minds of their hearers against the mother for her unnatural conduct to her son, than they did influence them against the son for ill conduct to his mother—I say with much more justice, because the son had a right by the laws of his country, which his mother had not. If the latter was deprived of the treasure, she was only deprived of that some years later, of which she could make no use, and which she ought voluntarily to have given up some years sooner. My Lords, I
 speak

speak this on the equity of the case; for though it may be contended that the Begum had a right to the treasure, by the Nabob's concession and our guarantee, she never had, nor could have, an *equitable* right to retain it. There would have been nothing unjust or unnatural in the Nabob's taking by force the treasure left by his father, if he had done it in the first instance, and appropriated it to the payment of the immense debts which Sujah Dowlah owed when he died*, and which the son was obliged to pay. It is nothing more than is done frequently by our Courts of Justice, who will compel an avaricious mother to divide her deceased husband's property with her children, by an execution on her goods, or imprisonment of her person.

If there would have been nothing improper in the Nabob's insisting upon his right in the first instance, there could be nothing unnatural in what he did in the second instance: he only exercised a right

• Above half a crore of rupees to the East-India Company, and from nine to fifteen months pay due to an army of one hundred thousand men.

which he was restrained from using by a foreign influence, which, as I have said, was not very properly exerted.

But, my Lords, whether our interference in the original dispute between the mother and the son was right or not, it was certain she was entitled to our favour no longer than while she continued to deserve it.

My Lords, after I had, upon the fullest conviction of the Begum's disaffection to our Government, consented to the resumption of the treasure and jagheers, it is true, I was desirous of having it carried into immediate effect. But the resumption of the jagheers was first proposed by the Nabob himself to be general; and the point upon which I afterwards pressed him was, that of resuming the jagheers from his orderlies—a description of men that were by no means deserving of his countenance or favour. He never was averse to the resumption of the jagheers which were held by his mother; but rather than extend that resumption to his orderlies, though originally proposed by himself, he would have abandoned the plan altogether. This

I opposed strenuously, because, having committed myself by the assent I gave, I could not brook the idea of my name being made use of for the purpose of making so unworthy a distinction, which must have affected both the character of myself, and of the English Government.

Much criminality has been imputed to my neglect of the Company's orders, which enjoined me to make a judicial enquiry into the truth of the Begum's disaffection. My Lords, I positively deny now, as I did at the time in Bengal, that any order was transmitted to us to make any enquiry at all *; and if upon
any

* The paragraph which the Managers called an order, and which Mr. Hastings here denies to be one, runs as follows :

" *If it shall hereafter be found* that the Begums did
" not take that hostile part which has been repre-
" sented, as well in the Governor General's narrative,
" as in the several documents therein referred to,
" (and as it no where appears from the papers at pre-
" sent in our possession that they excited any commo-
" tion previous to the imprisonment of Cheyt Sing,
" but only armed themselves in consequence of that

any construction of language it had been deemed an order, which it was not by any one Member of the Board, it would have been an act of insanity in us to have obeyed it, in August, 1783, when a perfect reconciliation had taken place between the Nabob and his mother. Such an enquiry would have thrown all the Nabob's dominions into utter confusion. To have entered into an enquiry, if it had been ordered, which I affirm, and so did Mr. Macpherson, after attentively reading the letter, it was not, would have opened the

“ transaction, and as it is probable that such a conduct proceeded entirely from motives of self defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions) *we direct*, that you use your influence with the Vizier *that their jagheers may be restored to them*; but if they should be under apprehensions *respecting the future conduct of the Vizier, and wish our further protection*, it is our pleasure that you afford these ladies an asylum within the Company's territories, and there be paid the amount of their jagheers agreeably to the second article of the late treaty, through the medium of our Resident, as may be ascertained upon an average estimate of some years back.”

breach

breach again, and, perhaps, prevented it from ever closing: besides, no arguments upon earth could have convinced the Nabob of the propriety of his restoring the treasure, which ever was, in strict justice and equity, his own, and of which he had been unjustly kept out of possession.

My Lords, there is a contradiction in the charges brought against me by my prosecutors, which shew, that their zeal for accusing, transported them beyond the bounds of judgement. I am accused of *wringing* by violence *from* the Nabob, *his consent* to the resumption of the treasures and of the jagheers in one part of the article; and in another, of having sold my consent to the same measure for ten lacks of rupees *to* the Nabob *.

My

* *Extracts from the second article.*

“ Which said pleasure and order of the said Warren Hastings was forced upon the said Nabob, and
 “ his consent to the said unjust and unjustifiable acts
 “ wrung from him with an almost unconquerable reluctance.

“ And all the above acts and deeds are still more
 “ highly

My Lords, it is impossible these two propositions can stand together: they contradict each other, and I positively deny them both. I have another observation to make with respect to the resumption of the jagheers. It was stipulated with the Nabob, that an equivalent in money should be annually paid to the Begum, in lieu of the lands of which she was deprived. There was certainly no injustice in this, and the measure was of infinite service to the Nabob's government; for it cut off those mischiefs to which a divided authority is always liable in India.

I must intreat your Lordships to remember, that at the time I formed an intention to levy a fine upon Cheyt Sing, and when I consented to the resumption of the

“ highly aggravated by the gross and avowed corruption in which they originated. The said Warren Hastings, at or about the time when he executed the said treaty of Chunar, withdrew the guarantee, and planned the seizure of the treasures as aforesaid, having accepted, and taken to his own use, a present, or bribe, of one hundred thousand pounds from the said Nabob,” &c. &c.

Begum's treasure, our Government was in the utmost distress for money. I need not in this place enter into a minute detail of the several armies we then had in the field, or of the various demands upon me, for immediate supplies of treasure. It is sufficient to say, that the distress was as great as it was possible to be without an actual state of bankruptcy, and insolvency. It was very natural, under such circumstances, for me to avail myself of every just means of supply, which fortune might throw in my way. It might, and I may say it actually did, incline me to act with greater promptitude and decision than I otherwise should have done. I do not, however, mean to say, that the want of money for the public service would have induced me to take the very measures I did: neither is it necessary to say what measures I should have taken, under other circumstances, to procure the speedy payment of the Nabob's debt. But it would have been highly criminal in me, had I neglected or refused to give my assent to the Nabob's proposition, which was founded
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in justice and expediency, both for his government and ours, and particularly at a time when treasure was so much wanted for the payment of our armies.

My Lords, I do most solemnly declare that I acted to the best of my judgement, paying due regard on the one hand to the laws of justice, and on the other to the interest of my employers. To myself individually it was a matter of no moment how the exigencies of the service were supplied, so they were actually and effectually supplied. I could have no undue bias upon my mind; for had I been inclined to act corruptly, I might have found my own account in forbearance, but not in exaction.

The NEXT charge, my Lords, is that of the PRESENTS, and it divides itself into two parts, viz. that of the concealed, and that of the avowed presents.

In answer to the first, I need only say, that there is no proof before your Lordships

Company, if it had not been paid to me according to invariable usage, from the Nizamut. It is impossible there could have been any thing wrong in this transaction : not only was it a matter of public notoriety never denied by me, but the opinion of Counsel was taken by the Company, as to the propriety of commencing a prosecution against me for it, at a time when the Minister wished to seize any ground for removing me from my station, through the medium of the Court of Directors. The Legislature, since this business was the subject of discussion, has three several times appointed me Governor General of Bengal, at the recommendation of that Minister. Surely, my Lords, it cannot be the intention of my countrymen, after availing themselves of my services as long as they wanted them, to call me to an account for acts, which were publicly known fifteen years ago. If there was any criminality in my receiving the amount of my expenses from the Nabob, it was sufficient to have induced my superiors to have recalled me at the time when they first knew of it : but it was never held up to the

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world

ships of my having accepted any thing more than the common Zeâfut * ; and even of this there is no other proof than my own admission. I will not pretend to deny, I never did deny, that I accepted the usual entertainments which were then (for it was previous to the act of Parliament prohibiting the receipt of presents) usually given to the Visitor, by the Visited. The Nabob of Bengal received a thousand sicca rupees a day for a similar entertainment from the Company, as often as he visited the Governor in Calcutta. It was usual in the country, and it is impossible for any person to read any oriental history, without knowing, that the custom has prevailed all over the East, from the most ancient times to the present. My predecessors, as I was informed, had received the same, and it was never held criminal in them. I can most solemnly affirm for myself, and I dare say it might be said for my predecessors also, that I did not add one rupee to my fortune by this allowance ; and I am confident I must have charged as large a sum to the

* Entertainment.

world as a heinous offence, till my enemies thought it might be of use, to load the scale of criminality.

Time, my Lords, will not permit me to say any more in exculpation of myself from the remainder of the allegations in this part of the article, nor is it necessary, since no evidence has been given upon them; but I solemnly declare that each allegation is utterly false, and without a shadow of foundation; I solemnly declare, that I never directly or indirectly received a present from Nundcomar, or any other person mentioned in this division of the charge.

I must hasten to make my observations on that part of the charge which is called the avowed presents.

My Lords, the Managers of the prosecution against me have here prepared a two-edged sword; for they have endeavoured to shew a double share of criminality in this transaction. First they contend, that I took the presents with a corrupt intention, and would have kept them, had not

my fears urged me to a disclosure; and secondly, that the receipt of presents, though for the use of the Company, was a breach of an act of Parliament. In support of the first conclusion, they have nothing but their own suspicions, which they have endeavoured to impress upon the minds of your Lordships, by attempting to shew a variation in the several accounts which I have given respecting the time and manner of receiving them.

To repel this mode of attack, and to efface the suspicions which they endeavour to raise, I have the oath of Mr. Larkins, a man of the highest character for truth and honour, whose integrity has been repeatedly acknowledged by Earl Cornwallis, the Board of Controul, and the Court of Directors*, and whom I believe to be as rigidly honest a man as any in Europe. That there are variations in the different accounts I admit. Many mistakes I have

* In eleven letters, written to and from Bengal since the year 1775.

made,

made, which have struck me with as much astonishment as they could possibly strike any of your Lordships. If there had been any act done by me a few years ago, of which I conceived myself warranted to speak with a more perfect recollection than another, it was this: That before I left Calcutta, in July, 1781, I had endorsed the bonds of which your Lordships have heard so much, and had left them with Mr. Larkins, to deliver up to the Council, in the event of my death. So desirous was I that the statement of this fact should not rest upon my assertion, that I desired a search might be made at the India House for those bonds, or for copies of them; but none were to be found. I then requested Major Scott to write to Mr. Larkins in my name, and to desire a search to be made for them in Calcutta; and if found, that they might be publicly transmitted to the Company. They were found; they were sent to the Company in 1789 by Earl Cornwallis, at the express requisition of Mr. Larkins, who states in his letter that he made that requisition at my desire, transmitted to him by Major Scott; but to my utter surprize
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the endorsement of the bonds is not dated until the 29th of May, 1782.

After this fact, my Lords, I am as ready as any man to acknowledge, that I have been imprudent in a degree that merits some of the reflections so illiberally thrown out against me, for having written, as I have too often done, on matters of account, in which I have myself been previously concerned, without having a single paper or document of any sort near me at the time I wrote : for I admit, it to have been well observed by the Manager who closed the article of presents, that I not only affirmed I had endorsed the bonds in the middle of 1781, but had assigned a reason for so doing ; namely, lest I should die during my absence from Calcutta.

My Lords, after this, I should be almost afraid to hazard a supposition ; but as the bonds were left with Mr. Larkins as my attorney, and as Mr. Larkins knew from the first that they were not my property, I conclude that I told him, in 1781, that in the event of my decease he was to deliver them

them to the Council, which I confounded with the act of having endorsed them.

But, my Lords, from all the inaccuracies in the accounts before you, I defy any candid man alive to draw this conclusion ; that I intended for a moment to apply this money, or a rupee of it, to my own use.

My Lords, you cannot suspect me of a fraudulent intention, without looking upon me as the weakest, or upon Mr. Larkins, as the most perjured of mankind. Had my construction of the purpose intended by the endorsement of the bonds been invented for the purpose of deception, I should have stopped when I had assigned it. Instead of this, I sought, and with a diligence which it is not likely that I should have employed to detect myself in a falsehood ; first, for authentic copies of the endorsed bonds at the India House, and afterwards for the originals in Calcutta. These being found, proved that I had erred in my account of the transaction ; but it also demonstratively proved, that I had given that account, believing it to be true ; and pre-
sump-

sumptively, that my intention and consequent instructions to Mr. Larkins were, that the bonds, in the event of my death, should be cancelled by him.

Time will not allow me to enter into a detail of the various circumstances, and to give my reasons for accepting the presents, farther than to repeat what I have often declared, that the necessities of the Company's service made me joyfully snatch at every just means of relieving them *. The
Managers

* A circumstance something similar to this occurred upon another occasion, to another gentleman. Mr. Stables was examined upon the trial of Mr. Hastings relative to a motion made by himself in Council, for an enquiry into the disaffection of the Begums, and the following questions were put to him :

Page 432 of the printed evidence.

“ Q. Do you recollect, in a minute of the 9th of September, 1783, that you proposed an enquiry to be made, whether or not there had appeared any sort of disaffection in the Begums of Oude, previous to the troubles in Benares ?

“ A. Yes ; I do recollect it.

“ Q. What

Managers have totally failed in their endeavours to shew any corrupt act done by me in favour of the persons from whom these presents were received. The lands
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“ Q. What was your motive for proposing that investigation ?

“ A. A letter from the Court of Directors—I conceived it to be ordered by them.

“ Q. Did you conceive the Court of Directors positively to direct that enquiry ?

“ A. I did so certainly at the time ; and I beg to refer to the minutes which express it.”

The words of Mr. Stables’s minute of the 9th of September, 1783, are :

“ The Court of Directors, by their letter of the 14th of February, 1783, seem not to be satisfied that the disaffection of the Begums is sufficiently proved by the evidence before them.

“ I therefore think that the late and present Resident, &c., should be called upon to collect,” &c.

Page 922 of the printed evidence.

Every man who reads the minute will see how totally Mr. Stables had forgot the circumstance ; for he made his motion, *not because the Directors had positively ordered an investigation, but because they seemed not*

at Nuddeea, Dinagepoor, and Bahar, were let to the best possible advantage, and every means taken to realize their revenues.

My Lords, it will depend upon your Lordships to give me what degree of credit you please. Whether I intended for a moment to apply any one of the sums received by me to my own use, is a point which can be known only to God and my own conscience. I can solemnly, and with a pure conscience, affirm, that I never did harbour such a thought for an instant: and permit me to add, my Lords, that I was too intent upon the means to be employed for preserving India to Great Britain, from the hour in which I was informed that France meant to strain every nerve to dispute that empire with us, to bestow a

to be satisfied. Yet no one can suspect Mr. Stables of intentional deception, and he referred the Court to his own minute, for an explanation of his *motives*, for proposing an investigation; and the reference proved, that in six years he had forgot what were the real motives that induced him to make a motion in the Supreme Council.

thought

thought upon myself, or my own private fortune.

With respect to my having violated an act of Parliament, I do by no means admit that I have done it: that depends, not upon what I have done, but upon what your Lordships may do; that is, upon what construction your Lordships may put upon the disputed clause. I can only say, that I interpreted it to the best of my judgement; and if I have erred, I have done so in common with many others. No person ever suggested to me, that the act of Parliament deprived the Company of the right of receiving the customary presents, till I heard that interpretation from some Members of the House of Commons.

My Lords, I should think it impossible for your Lordships to fix any criminality upon *incurable* ignorance—I say *incurable*—for though your Lordships should punish me in the severest manner for this mistake, the example can be of no use to the present

generation, nor to posterity : for you can never give a common understanding the powers of dividing into the latent meaning of an obscure clause in an act of Parliament ; a clause of which its real, but latent meaning, is at variance with its grammatical construction.

But, my Lords, a criminality of this nature must depend as well upon the understanding of the Judges, as of the party accused ; for it is possible that his interpretation may be right, and theirs wrong.

But, my Lords, I have two observations to make, either of which alone would be a full answer to the point of criminality :— First, that there can be no criminality in unavoidable error ; for though it is a maxim in law, that ignorance is no excuse, it goes upon this supposition, that information was *possible* ; which, in my case, it was not. Secondly, that “ *Communis error facit jus* ;” for every body that I had occasion to converse or correspond with seemed all to understand

derstand the clause in the same light as I did *.

I must here conclude my comment upon this article, with again declaring the purity of my intentions ; that I accepted the presents for the good of my employers, and that I employed them in their service at a time when the government of India was distressed beyond the power of description.

* The clauses are as follows :

“ And be it further enacted by the authority aforesaid, That no Governor General, or any part of the Council of the said United Company’s Presidency of Fort William in Bengal, shall directly or indirectly by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward.

“ And it is hereby further enacted by the authority aforesaid, That every such present, gift, gratuity, donation, or reward, accepted, taken, or received, shall be deemed and construed to have been received, taken, or had, to and for the sole use of the said United Company.”

My

My Lords, the **FOURTH ARTICLE** is that of **CONTRACTS** and **ALLOWANCES**. It comprehends, in a government of thirteen years, five different heads.

The first is, that I gave Mr. Sullivan a contract for opium, which proved very lucrative to him, and that I gave it without putting it up to the lowest bidder. The facts are true, and it is incumbent upon me to explain every circumstance in the transaction. It was I myself that created that resource of revenue for the Company, and they derived much advantage from it, above half a million sterling in my government.

The value of the opium contract was first ascertained by auction, and we accepted the proposals of Mr. Griffith and Mr. Wilton, who were the lowest of thirteen bidders. We gave it to them a second year ; and in 1777 this contract was given to a friend of Mr. Francis's, to a Mr. Mackenzie, who held it three years upon the former terms and then it was given to him for one year longer. It was next given to Mr. Sullivan, who, it seems, fold

fold the contract at a very advanced rate to Mr. Benn, who afterwards fold it to Mr. Young; but of this sale I was utterly ignorant, until after my arrival in England; and Mr. Sullivan was, during the whole period of his contract, the person responsible to the East-India Company.

My Lords, it was impossible for me to know the exact price of opium in the provinces; and it now appears upon evidence, that it was purchased by the second contractors much cheaper than ever it had been by the Patna Council, when they enjoyed it as a perquisite.

The only question that can be asked here is: Why was not the contract put up to auction according to the Company's order?

To this, my Lords, I answer, that opium was of that nature, and so liable to frauds and adulteration, that it was detrimental to the interest of the Company to give a contract upon such low terms as to drive the contractor, to the necessity of debasing its quality, to preserve himself from loss. It

was absolutely necessary in such a case, as it was in many others, to have a man of credit, honour, and property, upon whom we could rely for a just and faithful performance of his engagement.

My Lords, it was objected that Mr. Sullivan was too young and unexperienced for such an employment: but those who made the objection did not advert to this consideration, that the same objection would lie against Mr. Mackenzie, and it would operate against the appointment of every Member of Council who had of late been sent to India. Surely inexperience in the growth and manufacture of opium, and inexperience in the modes and forms of government, are exposed to hazards of very different magnitude and consequence.

An objection has been raised against Mr. Sullivan, on account of his being called my assistant. By assistant it was not meant colleague in office, or participant in power; but a more respectable name for a secretary, writer.

The

The next head is, the **ARMY-CATTLE CONTRACT**. Upon this I am charged with corruption and waste in the rates, and excess in the increased numbers of the cattle.

The corruption, I conclude, alludes to some inordinate profit in it. To this I answer, that the profit was solemnly attested by Mr. Ferguson, offering to confirm it by oath, that fifteen per cent. per annum was the extent of the profit during the war, and that profit still liable to outstanding debts. This, so far from being an exorbitant profit, amounted to no more than a reasonable agency.

But I should first have answered the charge of breach of orders in not putting the contract up to auction, and accepting the lowest bidder. The Army Contract had for many successive years been put up to annual sale, until it had been beaten down to rates unequal to the service. This came in proof before me : for when the war was spreading, the contractor threw himself upon our equity, and declared he

could not perform the service upon the terms he had undertaken. The terms, in consequence of that representation, were revised and amended; the Board having, in the year 1778, granted additional allowances, because the former were insufficient. How was it possible to advertise for the lowest bidder, while we were rejecting the lowest bidder, and admitting the expediency of raising his terms? The thing required by the Company was impracticable. As to the extravagance of the rates, these had been formed with the advice of the best informed and most experienced officers. This point was also brought in proof before me: for when General Goddard's army was to march across India, they had scarcely quitted our provinces, when the contractor proved himself once more obliged to throw himself upon the justice of the Board, notwithstanding the raised rates, which he found inadequate to the service; he therefore prayed that some other might do the service; and his prayer was granted.

The excess of numbers is next to be considered. Six thousand seven hundred were

appointed for an army of thirty-five thousand men. No detachment marched that did not require much larger proportion than these numbers bore to the whole army. The army now in the field, of eighteen thousand men, has twenty-three thousand head of cattle. A detachment of two thousand five hundred men marched from Bombay; they had nineteen thousand head. In short, no army ever moved that did not prove the numbers fixed in the new contract to be too small, instead of too great, provided I am right in my opinion, which is, that the army in Bengal, and in Oude, should at all times be in readiness for actual service*.

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* The gentleman who opened this charge in the late House of Commons, and closed it in the House of Lords, being a military officer of rank in the King's army, an officer in the service of the East-India Company, who conceives this subject, if not well understood, may lead to consequences far more fatal to the public than any that may personally affect Mr. Hastings, has favoured us with the following observations :

The next criminal point imputed to me, is that of granting extraordinary allowances to

In the campaigns of General Carnac, in 1765, representations were made to the Government of Bengal of the difficulties and inconveniences sustained in furnishing draft and carriage cattle for the army ; and the General was ordered to increase the allowances to the contractor considerably beyond the contract price.

On the 24th of March, 1767, Colonel (now General) Richard Smith, who had then recently succeeded to the command of the Bengal army, laid the following representation before the Governor and Select Committee :

“ Colonel Smith has experienced the many inconveniences which arise to the public service from the present method of providing draught bullocks for the service of the artillery, particularly that whenever the troops are ordered to march, the contractors then set about providing bullocks, by which much time is lost, and such cattle collected as are by no means proper for the employ ; and as, in case of actual service, the fate of a battle may probably depend upon the having proper draught bullocks for the use of the artillery, the Colonel very strenuously recommends to the Board the following simple plan :

“ That

to Sir Eyre Coote, and continuing them to him after the Court of Directors had prohibited those allowances.

My

“ That the Government shall supply the Company
“ from the Purneah country with twelve hundred
“ draught bullocks of the largest kind ; six of these
“ would, in case of necessity, draw a six-pounder ;
“ but more than eight will never be required.”

(N. B. The bullocks under Mr. Croft’s contract were all to be of this breed.)

“ And that the Company may know the extent of
“ their expence, the Colonel would recommend that
“ these draught bullocks should be fed by contract,
“ specifying a certain daily allowance for each bullock
“ *The bullock drivers to be included, allowing one to*
“ *each pair of draught bullocks.*”

(N. B. This is the arrangement of Mr. Crofte’s contract, which His Majesty’s officer was so astonished at, appealing triumphantly to the country gentlemen, and asking them what *they* would think if a driver was kept to every pair of their bullocks.)

It was soon after proposed and agreed to, that the contractor should purchase these bullocks at the sum they cost the Company.

On the 20th of October, 1767, Colonel Smith again wrote on this subject as follows :

“ The

My Lords, the Company allowed the Commander in Chief, being in Council, fix thousand pounds a year, for his separate

“ The article of draught bullocks is of so much importance to the success of military operations, that I am very desirous to have this branch of the service well conducted. No private contractor could procure a number of proper cattle; that want will now be remedied; it only remains that those cattle should be kept in good order, and for which purpose I recommend that one thousand draught bullocks for the service of the army should be kept in constant pay, as no contractor can maintain a proper number of bullocks without such a stipulation.

“ The contract specifies, that eight bullocks should draw a six-pounder; hitherto ten have been yoked to a cannon of that calibre; all other carriages in proportion. The Company will now save 25 per cent. in that article; for eight good bullocks are full sufficient.

“ The contract in Bengal is on much lower terms than ever I knew it on the coast; I would not wish to have a contractor tied up too closely, for the consequences would be, the cattle kept in a state unfit for hard duty; but I would wish to have him perform his contract, and then the service cannot suffer.”

Colonel

rate trust. Sir John Clavering thought it insufficient, and remonstrated, but without success.

Colonel Smith wrote again on the subject of the Bullock Contract as follows, dated the 12th of February, 1769 :

“ The time of renewing the contracts for providing
 “ and feeding of draught and carriage bullocks, &c.
 “ with the army, being now near at hand, I take the
 “ liberty of offering to you my sentiments on that
 “ very important branch of the service. The many
 “ letters which I had occasion to address to the Board
 “ on this subject during the former contracts, will
 “ shew the inconveniences which the service then laboured under, from the extreme bad state of the cattle provided by the different contractors ; *and as*
 “ *this is an article of such importance to our army, that*
 “ *the event of the greatest military operations may depend*
 “ *on it*, I am of opinion that much attention is due
 “ to this subject. I would therefore offer it to the
 “ Board as my sentiments, *that they should not be ever*
 “ *solicitous in letting the contract at an under rate, because*
 “ *the service must inevitably suffer, by the inability of*
 “ *the contractor to fulfil the articles of his agreement.*
 “ The present I take to be as low as any contractor
 “ can afford, if strict justice be done to the service ;
 “ and as I shall always rigidly exact this, whilst I continue to command your army, *I wish not to see the*
 “ *contract taken upon lower conditions than the person*
 “ *who undertakes it can afford.*”

On

success. The probable consequence of his failure was, that he never visited the distant

In the month of March, 1770, the Directors transmitted their orders to Bengal, that the contract for draught and carriage cattle should be annual, and granted to the lowest bidder. The consequence was, that between the years 1771 and 1777 the contract was above eighty per cent. lower than when General Smith commanded the army—the terms for a bullock in 1768 being six rupees and an half a month; and in 1777, three rupees and seven annas.

The writer of these remarks, who served under General Smith's command, would not have it inferred from this, that the General was so improvident as to wink at so notorious a fraud upon the Company: the fact is, that a bullock cannot possibly be kept fit for service at so low a rate as three rupees seven annas a month; and the moment the war broke out the Government of Bengal were obliged to annul their economical contract.

We pass over the period of the contract with Mr. Croftes, which is the matter that Mr. Hastings has replied to, and shall notice what has lately happened in India.

The inconveniencies sustained by the want of bullocks in the present war, are, in fact, fully explained by papers before the House of Commons, and they
were

tant stations of the army, nor took the field in person whilst in India. Sir Eyre Coote, on the contrary, early declared his intentions to visit the several stations of the

were of such a nature as to induce Lord Cornwallis to make the following proposition on the 6th of November, 1790, a few days before he embarked for Madras, to which his Counsel agreed :

“ As it is an object *of the first importance*, to provide for the draught of our artillery in the completest manner, I propose to collect all the trained draught cattle from the different stations, within our reach, either by land or water conveyance ; and to authorize the purchase of any good, serviceable, and well-trained hackery bullocks, that may be procurable, either at the Presidency, or at Muxadavad, my object will be to obtain, at least, one thousand head of the best and most efficient cattle ; *but as we can hardly hope to accomplish it*, I propose, that any deficiency shall be made up by young and new cattle, to be purchased by Mr. Biddulph, who is now on the spot, at Purneah ; and though I am aware they will not become immediately useful, I am still in hopes, that by exertions, and care in training them, they may be made serviceable in a short time. I propose to make use of the agency of Mr. Biddulph, the contractor at Purneah ; and that he should employ his agent, Mr. Ritso, at Berhampore. The contractor’s agency will be made use at the Presidency ; but as the cattle procured by Mr. Biddulph, over and above what he obtains to compleat the establishment, will not fall within the terms of his contract

“ tract

army, and the Board fixed certain allowances, which he was to receive while absent from Calcutta. He reviewed the army in

“ tract, it will be proper that some gratuity should be
 “ given to the contractor for his agency in the busi-
 “ nefs, the amount of which may be determined, when
 “ his accounts, *attested upon honour*, are given in.”

This minute from Lord Cornwallis is decisive as to the propriety of keeping up a proper establishment of bullocks in future, since it appears, that when the necessity was most urgent, his Lordship could not depend upon obtaining so small a number as one thousand from the military stations, and from the two great cities of Calcutta and Moorshedabad, and they were to be purchased and *trained when they were most wanted*. It is also a direct refutation of an assertion made by Mr. Francis in July 1779, *that bullocks can be hired or pressed when they are wanted*. An assertion which every officer knows to be unfounded in fact, and which Mr. Francis himself ought not to have made, because in that year, 1779. he signed a letter to the Council of Burdwan, ordering them to press one hundred and sixty bullocks for the service of Colonel Camac's detachment, the contractor not being able to furnish *so very inconsiderable a number*. The Colonel only could procure seventy; the drivers to these ran away, his ammunition was strewed upon the road as he marched, and he was compelled to employ sixty of his sepoys as drivers. The Colonel's letter to the Governor General and Council, which Mr. Francis was a member, stating these facts, is in Appendix, No. 191, of the sixth Report of Secret Committee.

Oude,

Oude, and the Board thought it reasonable that, while Sir Eyre Coote was in the Vizier's dominions, these extra allowances should be defrayed by the Vizier, who readily consented to pay them.

This, my Lords, was not any breach of treaty, for the treaty mentioned in this article, as having been violated, was the treaty of Lucknow, concluded in 1775, by which the Nabob was to pay two lacks, and sixty thousand rupees a month, for a specific number of troops ; but since that period an additional number of troops had been stationed in his own dominions, at his own express requisition ; for which he paid an additional, but indefinite sum, annually.

The Nabob had so high a sense of Sir Eyre Coote's merits and services, that instead of objecting to the proposed allowance, he expressed a wish that it were double that amount. He doubtless never lost sight in the General's absence, of his being engaged as much in the defence of his provinces, as of those of the Company ; and it was upon that principle that he was so forward to continue Sir Eyre Coote's al-

allowances whilst on the coast. It is always the custom for all the Company's military servants to draw double Batta, or extra allowances, when out of the Company's provinces; and it would be strange indeed, that the Commander in Chief should be the only exception.

My Lords, when Sir Eyre Coote quitted the upper provinces, and went on service to the coast, the same allowances were continued to him by the Company: for it was unreasonable that he should take the field upon the allowances which his predecessor enjoyed for staying in Calcutta.

My Lords, I so well knew the value of Sir Eyre Coote's presence on the coast, at the time when the army was defeated and dispirited, that there is hardly any thing he could have asked, which I should not have given him.

My Lords, I must also pray you to advert to the circumstance of General Stibbitt, who was an inferior officer, having an allowance of above eighty thousand rupees a year, whilst General Coote was reduced to sixty thousand. Could it be expected

pected that he should have been satisfied with that degrading difference, at the same time that he was upon actual service, and liable to many additional expences, whilst General Stibbert was at his ease, in cantonments, or garrison ?

My Lords, it was impossible for Sir Eyre Coote's allowance, as settled *at home*, to be sufficient *in the field*, if the same sum was not too much for General Clavering in Calcutta, or if a greater sum was not too large for General Stibbert, *in Cantonments*.

But, my Lords, it was not a time to cavil with Sir Eyre Coote about field allowances : I never was more convinced of the truth of any hypothesis than of this ; namely, that if Sir Eyre Coote had resigned in disgust, which he might have done, the Carnatic had been infallibly lost to this country, *for ever*. I can only say in addition, that I had no sinister view or motive in what I did ; and I should think it my duty to act the same part over again, in like circumstances. Nay, I would have abridged my own allowances to have
 increased

increased his, if he could have received them, rather than have suffered him to resign in disgust, or to have quitted the army in discontent.

My Lords, in accounting for the agency given to Mr. Auriol, it will be necessary for a moment again to call your attention to the very alarming and distressed state of our possessions in the Carnatic. Hyder Ally, *Victorious in the field*, with his numerous army, which had cut off a large detachment of our troops, and had driven the main body back with considerable loss to Madras, was laying siege to Arcot, which inevitably fell soon after, for want of succours. His numerous followers were desolating and laying waste the whole face of the country, by burning the villages, and destroying the cultivation, up to the very walls of Madras.

In this desperate situation did the President and Council write to us for every possible aid of troops, money, and provisions.

Eyre Coote, with a reinforcement of means and treasure, by the celerity of his

his departure and arrival, though in the worst season of the year, gave a fortunate turn to the state of our affairs upon the coast. We at the same time entered into a contract to send them the quantity of rice which they had applied for : but this was soon exhausted. They applied for more, and Mr. Auriol, our Secretary, delivered in proposals to send it on the same terms as the last contract.

My Lords, I then foresaw that the Presidency of Madras, as well as the army, must depend entirely for their subsistence and support upon Bengal. Another contract would have been but a feeble resource. The exports of individuals could never be relied upon, for so great and so serious an object.

My Lords, contracts might have failed. One contract, and one only, was entered into during the service of the agency, and that *did fail*. The contractor prayed to be released from a great part of his contract, and was released, although the rate of his contract was higher than the average price
of

of all the agent's supplies, with his commission included. Nay, contracts must have failed for want of resources in the Treasury to fulfil the stipulations for the public. The agent employed his own credit.

My Lords, the French fleet was for near two whole seasons in complete and undisturbed possession of the bay of Bengal; ours being in harbour at Bombay. Insurance was not always to be procured, and individuals would not trust their property but in the hopes of large profits to compensate for their risks.

My Lords, the public had so great a stake to save, that it answered to them to send rice at all risks; and the event has proved, that it answered well; as the agent, though his commission was liberal, supplied the settlement of Madras with rice, both better in quality, and twenty per cent cheaper, than the former contract. He supplied them with it at one half the price at which individuals, landing it there, were compelled by the government of Madras to sell it to them in exchange for bills upon Bengal; and the

the average rate of all his supplies, with commission included, was less than the rates of ten out of eleven proposals received for the contract, after the agency was abolished; and as low as the very lowest proposal. The commission, I admit, was liberal, though not more than had been usual for offices of supply in Bengal. It was originally *fifteen*, never *twenty five* per cent, (as erroneously stated by the manager who summed up the charges) but afterwards considerably reduced; and there were many charges to be defrayed out of it.

My Lords, I submit, that an agency was the only effectual mode of insuring a constant and sufficient supply for this important service; and I maintain, that it has proved to be the most frugal mode to the Company *. The confidence which the
Board

* Mr. Pitt, who appeared to have investigated this agency most thoroughly, made the same assertion in the House of Commons, and declared, that the whole transaction was in the highest degree meritorious, and honourable both to Mr. Hastings and Mr. Auriol. He

Board had in Mr. Auriol's diligence and integrity, confirmed by many years experience of his conduct, pointed him out as a proper person for this service, and he was accepted.

The mode of delivering accounts upon honour was not a new mode in the Company's service, (and it is practised at the present moment in Bengal) nor was it by any means intended to preclude the examination of vouchers, where vouchers were required, or could be produced; but meant to strengthen the obligation on the party accounting, where vouchers either could not be had, or were so numerous as to make it almost impracticable, to examine them with the accounts. I understand that vouchers never were refused by the agent.

voted in a Committee of the whole House against this charge, but he was beat by a majority of nine; and afterwards, when it was framed into an article by the Managers, he voted it to be a high crime and misdemeanor.

But

But as so much has been said on this subject, I hope I may be permitted to remark, without any imputed disrespect to your Lordships, whose honour no man can more highly revere than I do; that I think it is impossible you can conceive the term has been prostituted or misapplied on these occasions. Every merchant depends on the honour, credit, good faith, or honesty, (call it what you will) of his reputed dealings; and were this dependence banished from the community, I fear we should have very little security for any transactions in our intercourse with mankind.

My Lords, I am accused of granting an agency to Mr. Belli, who is stated to be one of my own dependants, with a wasteful and improvident commission. It will be found that this business did not originate with me. The necessity for laying up a dépôt of provisions and stores in the garrison of Fort William, that we might be prepared for a siege, was, as I recollect, strongly urged both by General Clavering and Mr. Francis; and a degree of neglect imputed to me

for not having provided against such an emergency. The measure was afterwards, on a minute which I delivered, considered in Council, and upon the resolution of the Board, that such a depôt should be formed, the opinion of merchants was required upon the quantum of commission adequate to an agent for his trouble, charges, and loss, by wastage and decay in keeping up the store from year to year in constant good condition. The merchants declared that twenty per cent. was the *least* compensation that could be allowed. I proposed Mr. Belli for the agency, and upon examining the accounts of a former service of this kind executed in the government of my predecessor, Mr. Cartier, which were called for to assist us in our determination, I found that the Company had sustained a real loss upon the resale of those stores, at the end of two years, of ninety per cent. No agent would undertake a service by which he was to be a loser: his profits ought to be proportioned to the nature and importance of the thing required. He might be a loser by accepting the *least possible commission*, or, which is worse, a failure of his duty might be dangerous

gerous to the safety of our possessions. I trust your Lordships will not think the commission of thirty per cent. per annum, which I proposed for the agent to answer all charges and losses by wastage and decay in the changing of stores, from time to time as they required it, was an immoderate allowance for the due performance of so important a duty. That I was not improvident in granting it, will appear from Mr. Belli's own accounts, delivered in evidence to your Lordships. There has been some doubt thrown upon them by the Manager who summed up this charge; but Mr. Belli is in England, and can verify them. I shall close this subject with remarking, that since my return to England both the Court of Directors and my Successor in the Government have expressed their strongest approbation of his integrity in this business*.

I will

* *Extract of the General Letter from Bengal, 10th Dec. 1784.*

Par. 62. "The contract for victualling the garrison
"expiring on the 4th of October, we adverted to the
"necessity of appointing a proper person to receive
"charge

I will not detain your Lordships by advert-
 verting, for any length, to the story told
 by the Manager who opened the general
 charges relative to the horrid Cruelties
 practised on the Natives of Dhee Jumla
 by Deby Sing. It will be sufficient to
 say, that the Manager never ventured to
 intro-

“ charge of the depôt, Mr. Belli was engaged thereby
 “ to make, at the respective periods on which the se-
 “ veral branches of it should be deliverable, and ac-
 “ cordingly invested Mr. R. C. Plowden with this
 “ charge, allowing him a commission of eight per cent
 “ on such purchases and sales as we might hereafter
 “ think proper to direct: for our minutes constituting
 “ this appointment we beg to refer you to our Con-
 “ sultations, 21st September, 1784.”

63. “ We have the pleasure to acquaint you, that
 “ the first sales took place on the 2d instant, accord-
 “ ing to the mode prescribed in the Consultation above
 “ referred to; and, in justice to Mr. Belli, we deem it
 “ incumbent on us to state the amount for which the
 “ above articles were laid in by him, viz.

“ A. R. 26,950

“ And these articles sold for 45,252

“ Difference A. R. 18,302

“ Such an instance of integrity as is proved by the
 “ above difference, *which becomes a clear profit to the*
 “ *Company, deserves our highest encomium.*”

Reply

introduce this story in the form of a charge, though pressed and urged to do so, in the strongest possible terms, both in and out of Parliament. — Mr. Paterfon, on whose authority he relied for the truth of his assertions, and with whom, he said, he wished to go down to posterity, has had the generosity to write to my attorney in Calcutta for my information, “ that he felt the finest concern to find his reports turned “ to my disadvantage, as I acted as might “ be expected from a man of humanity

Reply of the Directors, as approved by the Board of Control.

76. “ We have taken a view of your proceedings “ since the expiration of the contract with Mr. Belli, “ relative to keeping up a depôt of victualling stores “ in the garrison of Fort William, and most heartily “ concur with you in applauding the conduct of Mr. “ Belli, whose fidelity and assiduity in the discharge of “ his duty is fully proved by the circumstances brought “ forward to our notice in the 63d paragraph of your “ General Letter of the 10th December, 1784.”

“ Approved. HENRY DUNDAS.

“ W. W. GRENVILLE.

“ WALSINGHAM,

“ MULGRAVE.”

“ through-

“ throughout all the transactions in which
 “ Deby Sing was concerned.” — Had the
 cruelties which the Manager stated been
 really inflicted, it was not possible, as he
 very well knew at the time, to impute
 them, even by any kind of forced con-
 struction, to me. — My Lords, it is a fact
 that I was the first person to give Mr. Pat-
 terfon an ill opinion of Deby Sing, whose
 conduct upon former occasions had left an
 unfavourable, and perhaps an unjust, im-
 pression upon my mind. In employing
 Deby Sing I certainly yielded up my opi-
 nion to Mr. Anderson and Mr. Shore, who
 had better opportunities of knowing him
 than I could have. In the course of the
 inquiry into his conduct he received neither
 favour nor countenance from me, nor from
 any Member of the Board *. That inquiry
 was

* *Extract from Mr. Shore's Minute, dated 26th Nov.
 1788, when Lord Cornwallis and his Council passed
 Judgement on Deby Sing.*

“ I cannot conclude without an additional remark,
 “ that there never was a cause which appears to have
 “ been more thoroughly investigated, or more impar-
 “ tially conducted. Every Member of the existing
 “ Govern-

was carried on principally when I was at Lucknow, and was *not* completed during my government, though it was commenced and continued with every possible solemnity, and with the sincerest desire, on my part, and on the part of my colleagues, to do strict and impartial justice. The result I have read in England; and it certainly appears, that though the man was not entirely innocent, the extent of his guilt bore no sort of proportion to the magnitude of the charges against him. In particular, it is proved that the most horrible of those *horrible acts*, so artfully detailed, and with such effect, in this place, *never were committed at all* *.

Here

“ Government at the time, it is notorious, had formed a decisive opinion against Deby Sing, in consequence of Mr. Paterson’s reports; and the measures adopted were conformable to these sentiments, and calculated to shew, that, if found guilty, he had no mercy to expect.”

* *Further Extract from the same Minute.*

“ The transactions in Dhce Jumla (where the cruelties stated by Mr. Burke were said to be committed)

N

Here I leave the subject, convinced that every one of your Lordships must feel for the unparalleled injustice that was done to me by the introduction and propagation of *that atrocious calumny*.

My Lords, I will not *now* detain your Lordships by offering many remarks upon the gross injustice that I *also* sustained in having been compelled to appear at your Lordships' bar to justify acts which have received the repeated approbation of the King's Ministers, and virtually of the late House of Commons. — My Lords, it is perfectly

mitted) “ being wholly unconnected with the proceedings at Rungpore, I have followed the example of the Commissioners in considering them separately. Their Report is so full, clear, and decisive, that I shall content myself with referring to that in support of *my opinion, which is, that* Deby Sing, so far from being culpable in any instance alledged against him, appears to have been moderate in his demands for rent, attentive to the complaints preferred, and to have punished the persons proved to have oppressed the ryotts on their complaints. *I am happy also to remark, that many of the worst accusations preferred against him appear to have had no existence whatever.*”

true

true that the articles to which I allude are not insisted upon, or, in other words, they are abandoned. But I feel the injury most sensibly, and the expence of defending myself against them has been intolerable.

The King's Ministers, as Members of Parliament, voted to impeach me for accepting a delegation to Oude, and for forming an arrangement with the Nabob Vizier, which subsists at the present moment.

Mr. Fox. My Lords, I am sure I should be very unwilling to do any thing to interrupt a person in the situation of the defendant ; but I think you cannot permit him to state how a Member of Parliament voted, because the defendant cannot possibly know the fact.

Lord Kenyon. The person accused at the bar will certainly meet the wishes of this House, and of the Managers also, in replying to the allegations that have been opened against him, by avoiding, if he can, the use of names, though it is certainly competent to him, if he thinks it for his

advantage, to point out any inconsistency or injustice in the conduct of his prosecutors.

Mr. Hastings. My Lords, I beseech you to recollect the very great tenderness I have used when I have been speaking of the most atrocious actions that have been committed against me : it is not my intention to accuse any body ; but if any fact necessary to my defence should, in stating that defence, necessarily involve the crimination of others, I do not mean to criminate them—but the consequence is inevitable—it is not my fault.

Mr. Fox. My Lords, the nature of my objection is this : — I do not object to any language the prisoner may use, of any kind whatever, in his situation ; but having stated that the King's Ministers have so voted in the House of Commons, I think that is a fact that he cannot bring evidence of, and consequently it is impossible for us to answer in reply. I think it is impossible he can know how a Minister has voted in the House of Commons.

Mr.

Mr. Hastings. My Lords, may I, without disrespect to the Managers, say, that I use only a licence for which I have their example: they have done so on many occasions. I never interrupted them, nor did my Counsel interrupt them, when they were making their long speeches against me. I throw myself on your Lordships' protection, and I beseech you to protect me against this violence.

Mr. Burke. My Lords, we offer no violence: the Managers of the House of Commons offer no violence to the prisoner at your Lordships' bar.

Lord Kenyon. If the defendant is guilty of any impropriety, he may correct himself.

Mr. Law. I wish to recall to the honorable Managers' consideration —

Lords. Go on, go on.

Mr. Hastings. My Lords, I really lay under a great disadvantage. If what I
have

have said is wrong, punish me for it ; but I beseech you do not let me be interrupted. I cannot speak from the sudden impulse of my own mind—I am not accustomed to it. I have written down what I wish to read ; and I call God to witness that I did it with a due regard to the reverence due to this honourable Court.

Lords. Go on, go on.

Mr. Hastings then proceeded as follows :

I say, my Lords, in four separate letters the King's Ministers approved of what I had done, though they voted to impeach me for doing it. They ordered my arrangement to be invariably adhered to ; they approved, as they declare themselves, of *the principles* on which it was formed ; and the Minister for India has taken credit every year for the subsidy procured by that arrangement, which is paid monthly with the punctuality of a Bank dividend. They voted also to impeach me for having ruined, oppressed, and destroyed the natives of Bengal, although
in

in the first stage of the business they opposed the revenue article*, which contains these allegations, and although the falsehood of the charge must be apparent to every man who is not prepared to prove that the Minister for India has annually presented false accounts to the House of Commons. Both cannot be true.

In the few words that I had the honour to address your Lordships on Monday, I assured you that I should never make a defence for my conduct on the plea of necessity, although the Managers for the Commons have taken so much pains to refute that plea.

According to my construction of the law, it was not criminal to receive presents with a solemn determination in my own

* This revenue charge was moved in the late Parliament by Mr. Francis, and very strongly opposed by Mr. Pitt; but the Minister and the whole Board of Control were left in a minority, being beat by fifteen voices: when it was framed into an article, the Minister and the Board of Control voted it to contain high crimes and misdemeanours.

mind to appropriate every rupee so received to the public service, and to that public service was every rupee applied with the utmost fidelity. I thought it perfectly consistent with justice to levy a fine of forty or fifty lacks of rupees from Cheyt Sing for his contumacy. I conceived it strictly justifiable, upon the information that I had received of the Begum's disaffection, to consent to the resumption of her jagheers, and of the treasure in her possession. That I had information of her disaffection before me is clearly in evidence ; and if I could have been favoured with a few days attention in this place, I could have established that fact by irresistible proof.

But, my Lords, does it cease to be material to establish the necessity, or is it to be said that the necessity did not exist at all, because I am of opinion that I broke no law in accepting presents, and did not degrade my own character, nor the British name, by my conduct to Cheyt Sing or the Begum ?

My

My opinion of our necessities may be collected from the following passage in my Narrative of the Insurrection in Benares :

“ I left Calcutta impressed with the belief that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company's interests from sinking *under the accumulated weight that oppressed them.*” I saw a political necessity for curbing the overgrown power of a great member of their dominion, and making it contribute to the relief *of their pressing exigencies.* If I erred, my error was prompted by an excess of zeal for their interests operating with too strong a bias upon my judgement.”

Of what nature those necessities were I will now state ; and I believe the proofs of them were upon the table of the House of Commons when those necessities were denied to have had existence, and when my impeachment was voted.

I left Calcutta in July, and signed the treaty of Chunar on the 18th of September, 1781.

We had at that period borrowed as much money upon bonds as we could borrow, for the bonds bore a considerable discount. Every letter received from Madras between November, 1780, and September, 1781, contained the most pressing applications for money and provisions. These letters are upon record, although not before your Lordships ; and I am in possession of private letters written to me by the Governor of Madras in that period, in duplicate and triplicate, most earnestly pressing me to save them from sinking, by sending them ample supplies of money and provisions. Sir Eyre Coote depended upon me for seven lacks of rupees a month, for the pay of the armies in the Carnatic. The most pressing applications for money were received from Bombay, and from General Goddard, who commanded the army in Guzzerat ; and very heavy bills were drawn upon the Government of Bengal in the first months of the year 1781. The troops in Oude
and

and in Bengal were many months in arrear. Colonel Muir's army, in the province of Malwa, and Major Popham's, at Benares, were considerably in arrears. A French fleet had appeared off Fort St. George in February, 1781; was expected to return in the ensuing season, and did actually come upon the coast of Coromandel in April, 1782.

Sir John Macpherfon, who landed in Calcutta in October, 1781, has truly described our situation at that moment :

An empty treasury, and every resource for raising money so completely exhausted, that it was with the utmost difficulty the Government could raise a loan for a remittance of eight or ten lacks, which he had solemnly pledged himself to make to Sir Eyre Coote, whom he had left at Madras in September in the greatest distress for money,

It is in evidence that Colonel Muir, after the separate peace which I concluded with Madajee Sindia, could not recross the Jum-

na until he received a supply from Fyza-
bad in February, 1782 *.

The fact, my Lords, is known and acknowledged by every man who served during the late war in India, that our possessions there were preserved only by the extraordinary resources procured by me in consequence of the treaty of Chunar †.

Such

* Page 941 of the printed evidence.

† *Extracts from Sir John Macpherson's Letter to the Court of Directors, dated 30th March, 1783.*

“ Of the general distress of your affairs in all your
“ Presidencies, in the latter end of August, 1781,
“ when I arrived at Madras, you have long since had
“ authentic accounts ; *but of the danger to which the*
“ *very existence of the Company was then exposed you can*
“ *have no adequate idea.*

“ In the Carnatic, your principal settlement, and
“ your main army under Sir Eyre Coote, were sur-
“ rounded by the army of Hyder, who had indeed
“ been defeated on the 1st of July, 1781, but who,
“ from that check, seemed only to have become more
“ guarded, and determined in his purpose. *Neither*
“ *your army, nor even Fort St. George itself, had at that*
“ *time*

Such was the distress of the troops in Oude, and in the Mahratta country, that the officers sold their plate for the temporary relief of their sepoy, as they did also upon the coast.

“ time above a few days provisions in store, nor could there be any prospect of supply from the country.

“ At Bengal, on which your other Presidencies depended almost entirely for supplies, your treasury was drained, and every effort of raising money by loan and by partial remittances had been tried.

“ On the subject of the supplies which have been sent from hence from the period of my arrival (eleven days after the treaty of Chunar was signed) for the support of the war in your other Presidencies, I have the honour of transmitting you the accompanying official account, signed by your Accountant General. From this account you will please to observe, that the amount remitted, and actually paid, from the 30th September, 1781, to the 1st March, 1783, is two crores, fifty-eight lacks, one thousand three hundred and fifty-six rupees, besides the treasure and stores which were sent some days since with Sir Eyre Coote to the coast, and bills accepted by this Government, and under payment, making in all a sum little short of three millions sterling.”

But

But if with the sum of one hundred and thirty-eight lacks of rupees, which I procured in Oude from September, 1781, to September, 1782, and a very large sum received in the next year, we found it difficult to maintain our armies, what must have been the consequence, had I not formed such a beneficial arrangement with the Nabob Vizier? And your Lordships will believe that I felt the full force of our situation when I concluded the treaty of Chunar. I had not then, I have not now, the smallest doubt that the Begum had afforded military assistance to Cheyt Sing. Circumstances have been brought to my recollection since the trial commenced which had escaped me before; and these are confirmed to me by evidence which I am sure your Lordships would deem decisive upon the subject, had I been allowed a few days to lay it before you.

My Lords, you are now better enabled to judge of the difficulties which I had to encounter in the last war, than I did suppose it within possibility for your Lordships to be, when this trial commenced.

Your

Your Lordships will feel for the wants under which I laboured when I had to contend, at one time, with *all* the powers of India, combined with the French and the Dutch, because your Lordships have proofs before you in the Council Chamber of Parliament that the resources of India are now utterly inadequate to the support of a war against *one* native power who is unassisted by any European ally. We are in alliance with all the Mahratta chiefs, and with the Soobadar of Deccan, who were in the former war confederated against us. The Government of Bengal, when this war commenced, was free from foreign and domestic embarrassments. The Nabob Vizier had completely liquidated his debt, and his subsidy was paid with the utmost punctuality. Benares afforded the full revenue, which I am impeached for having procured. The salt, the opium, and the land revenues of Bengal, added to the subsidy from Oude and the Benares collections, produced annually to the Company nearly five millions four hundred thousand pounds.

But,

But, my Lords, so inadequate have these resources proved, with the addition of the revenues of Fort St. George and Bombay, that since the commencement of the present war a very considerable sum in specie has been transmitted from England to India ; money has been borrowed to the utmost extent of their credit at Bengal, Fort St. George, and Bombay, at a high interest ; and Hyder Beg Khan, whom your Lordships have heard of so *often*, has assisted Lord Cornwallis with a loan of twenty-two lacks of rupees.—I mention these circumstances to your Lordships to prove that the resources of India cannot, in time of war, meet the expences of India.

Your Lordships know that I could not, and Lord Cornwallis cannot do, *what every Minister of England has done since the Revolution*. I could not borrow to the utmost extent of my wants during the late war, and tax posterity to pay the interest of my loans. The resources to be obtained by loans, those excepted for which
bills

bills upon the Company were granted*, failed early in my administration, and will fail much earlier in Lord Cornwallis's, not from want of confidence in that noble Lord, but because the surplus resources of Bengal have not been employed in liquidating the debt contracted in Bengal during the late war.

Allow me, my Lords, to call again to your Lordships' recollection the many and the unprecedented difficulties with which I had to contend during the late war in India. Every measure of my administration was calculated to relieve the public exigencies; nor can any man in England point out other means than those which I employed, by which the public necessities could have been relieved; yet I have been four years impeached before your Lord-

* In the year 1782 the Governor General and Council drew bills upon the Company to the amount of that year's investment. In September, 1783, the Directors wrote to Bengal, expressing their disapprobation of the measure, and telling their servants that they *must fall upon some other mode* of supplying the public exigencies.

ships for the several acts by which I preserved what the India Minister has called, in the House of Commons, *the brightest jewel in the British Crown !*

I have now gone through the examination both of the general and specific crimes which have been laid to my charge. I have endeavoured to develop the great and commanding points of every distinct article, from those which are either immaterial in themselves, or which depended for their rectitude, or criminality, on the former.

In this work I have in effect undertaken to reduce the compiled mass of seven folio volumes into the compass of a few pages, a labour requiring months of leisure to execute it as it ought to be, and a length of time proportioned, not to the extent of the work, but to the degree of its abbreviation.

I have urged all that in this view of the subject was, in my judgement and recollection, necessary to the elucidation of it : but it is hardly possible that something may not have been omitted, which would have rendered

dered it more complete; something the want of which may yet leave doubts on your Lordship's minds respecting parts of my conduct, detached from the general tenor of it. For this, and for other deficiencies in this address, I have to beg your Lordship's candour, and to plead the disadvantage of the restricted and inadequate time, and the infirm state of body, under which I have arranged it.

I most reluctantly press upon your Lordships time, and shall hasten to conclude with a few general observations upon the nature of this impeachment, as it relates to those principles which constitute the moral qualities and characters of all mankind.

If the tenor of a man's life has been invariably marked with a disposition to guilt, it will be a strong presumption against him, in any alledged instance, that he was guilty.

If, on the contrary, the whole tenor of a man's life was such as to have obtained

for him the universal good will of all with whom he had any intercourse in the interested concerns of life, the presumption will be as well grounded, that he was innocent of any particular wrong imputed to him, especially if those who are the alledged sufferers by that wrong, make no complaint against him.

But what shall be said of complaints brought against a man, who was in trust for the interests of the greatest commercial body in the world ; who employed and directed the services of thousands of his fellow citizens in great official departments, and in extensive military operations ; who connected Princes and States by alliances with his parent kingdoms, and on whose rule the peace and happiness of many millions depended ; I say, what shall be said of complaints brought against such a man, in the names and on the behalf of all those descriptions of men, *who all unite their suffrages in his favour ?* Such complaints, with such a presumption against the possibility of their truth, may have existed, but the history of mankind, cannot produce an instance

instance of their being received on such a foundation, until the late and present House of Commons *thought fit to create one in my impeachment.*

Permit me, my Lords, to retrace the principal events in the public life of that man, whom the Commons have thus brought, *and have kept so long, in trial before you.* With the year 1750, I entered the service of the East-India Company, and from that service I have derived all my official habits, and all the knowledge which I possess, and all the principles which were to regulate my conduct in it. If those principles were wrong, or if in the observance of them I have erred, great allowance ought to be made for human infirmity, where I possessed such inadequate means of obtaining a better guidance. Yet the precautions which I invariably used, render even this plea unnecessary, by the references which I made to the Court of Directors, my immediate masters, of every measure which I have undertaken, with its motives and objects minutely explained and detailed.

For

For the truth of this assertion I might safely appeal to them; and I am sure that they would attest it; and the volumes both of consultations and letters in their possession, prove that my share of the compilation exceeds, beyond all degrees of comparison, that of the most laborious of my predecessors, not excepting even my ever honoured friend, Mr. Henry Vansittart.

Nor was it to them only that I was thus communicative. When Great Britain was involved in a complicated war, and their governments in India had, besides European enemies, a confederacy of all the principal powers of India armed against them, I gave the then minister of this kingdom constant information of all the measures which I had taken, in conjunction with my colleagues in the Government, to repel the dangers which pressed us; the motives and objects of those measures; the consequences expected from them; and the measures I had further in contemplation; and it has since afforded me more than common pleasure to reflect, that every successive letter
verified

verified the expectations and the promises of the preceding.

If I had given evidence in my defence, I should have called upon the noble Lord to produce all my letters in his possession. Those, and my letters to the Court of Directors, but my letters to Lord North, in a most striking manner, would have shewn how careful I was to expose all my actions to their knowledge, and consequently how little apprehension I could have felt that there was any thing in them that could be deemed reprehensible. In all instances, which might have been deemed of a doubtful nature, these communications were virtual references for their sanction, or for their future prohibition. If I received neither, their silence was a confirmation, and had more than the effect of an order, since, with their tacit approbation of them, I had imposed upon myself the prior obligation of my own conception of their propriety. Were I, therefore, for a moment, to suppose that the acts with which I am charged, and which I so communicated, (for I communicated all to the Court of Directors) were intrinsic

trinfically wrong, yet from fuch proofs it is evident that I thought them right ; and therefore the worft that could be faid of them, as they could affect me, is, that they were errors of judgement ; and even for thefe, in all instances were they were repeated, or the cafes of fubfequent aëts, deriving the fame quality from them, the error, and every blame which could attach to them, was *'theirs, who might have corrected them, and did not.*

In the year 1768 I was appointed by the Court of Directors of the Eaft-India Company, a Member of the Council, and eventually to fucceed to the government of Madras.

In the year 1771, when the affairs of their principal eftablifhment were fupposed to be on the decline, and to require an unusual exertion of abilities and integrity to retrieve them, the Court of Directors made choice of me for that trust : and I was by their order removed from the Council of Fort St. George, to the Government of Fort William in Bengal, and to the principal

cipal direction of all the civil, military, commercial, and political affairs, dependant on it.

In the year 1773 I was appointed by an act of Parliament, Governor General of Bengal, for five years.

In the year 1778 I was re-appointed by the same authority for one; in 1779 for another; in 1781 for ten years; and in 1784 I was virtually confirmed by that act which forms the present government for India.

In this long period of thirteen years, and under so many successive appointments, I beg leave to call to the recollection of your Lordships, that whilst Great Britain lost one half of its empire, and doubled its public debt, that government over which I presided, was not only preserved entire, but increased in population, wealth, agriculture, and commerce; and although your Lordships have been told by the House of Commons, that my measure have disgraced and degraded the British character in India, I appeal to the general sense of mankind, to con-

firm what I am now going to say, that the British name and character never stood higher, or were more respected in India, than when I left it.

So much may I say for the general effect of my government. For the specific acts which have contributed to produce it, it would require volumes to recite them. Shortly permit me to enumerate the principal heads which comprehend them.

Every division of official business, and every department of government, which now exists in Bengal, with only such exceptions as have been occasioned by the changes of authority enacted from home, are of my formation.

The establishment formed for the administration of the revenue, the institution of the courts of civil and criminal justice in the province of Bengal, and its immediate dependencies; the form of Government established for the province of Benares, with all its dependent branches of revenue, commerce, judicature, and military

tary defence; the arrangements created for the subsidy and defence of the province of Oude, every other political connection and alliance of the government of Bengal, were created by me, and subsist unchanged, or if changed, changed only, to use the words of my noble and virtuous successor, applied to the principles of my arrangements in the province of Oude, “ with a view to *strengthen their principles, and render them permanent.*”

Two great sources of revenue, opium and salt, *were of my creation*; the first, which I am accused for not having made more productive, amounts at this time yearly to the nett income of 120,000l. the last (and all my colleagues in the Council refused to share with me in the responsibility, attendant upon a new system) to the yearly nett income of above 800,000l*.

• To

* The history of the opium revenue is in evidence : Of the salt, the Directors wrote to Bengal the 21st of September, 1785, in the following terms :

“ When we consider the alarming decline of the salt revenue in the year 1780, and for which no re-

To sum up all; I maintained the provinces of my immediate administration in a state of peace, plenty, and security, when every other member of the British empire was involved in external wars, or civil tumult.

In a dreadful season of famine, which visited all the neighbouring states of India, during three successive years, I repressed it in its approach to the countries of the British dominion, and by timely and conti-

“ medy seemed for some time to present itself, we ac-
 “ knowledge ourselves indebted to the abilities and
 “ zeal of Mr. Hastings, for a plan suggested and com-
 “ pleted by him, which not only retrieved that branch
 “ of trade and revenue, but produced an effective be-
 “ nefit to the Company, beyond our most sanguine
 “ expectation. It is with pleasure also that we re-
 “ mark the industry and talents displayed by Mr.
 “ Henry Vansittart, the Comptroller, in carrying the
 “ plan into execution.

“ Approved by the Board, and signed by

“ HENRY DUNDAS,
 “ W. W. GRENVILLE,
 “ MULGRAVE,
 “ WALSINGHAM.”

nued

nued regulations, prevented its return; an act little known in England, because it wanted the positive effects which alone could give it a visible communication; but proved by the grateful acknowledgements of those who would have been the only sufferers by such a scourge, who remembering the effects of a former infliction of this dreadful calamity*, have made their sense of the obligation which they owe to me for this blessing, a very principal subject of many of the testimonials, transmitted by the inhabitants of Bengal, Bahar, and Benares.

And lastly, I raised the collective annual income of the Company's possessions under my administration from three to five million sterling, not of temporary and forced exaction, but of an easy, continued, and still-existing production, the surest evidence of a good government—improving agriculture, and increased population †.

* In 1770. †

† When so powerful a body as the House of Commons commit their name and character, by the assertion

To the Commons of England, in whose name I am arraigned, for *desolating the provinces*

tion of a fact which turns out upon examination not to have the slightest foundation in truth, the respect which every British subject owes to that branch of the Legislature, will naturally induce him to produce every possible species of evidence that may tend to justify him, in an instance in which he ventures to differ from so great an authority.

That, Mr. Hastings raised the resources of his government from three millions a year to five, is in evidence before the House of Commons, and that evidence was entered upon the journals on the motion of Mr. Dundas, the India Minister.

But lest it should be said that Mr. Hastings profusely lavished the revenues that he had created, we shall here insert an exact statement of the actual profits *annually* arising to the East-India Company from their Bengal possessions, from the time they acquired those possessions in 1765, down to the present year. The documents are all before the House of Commons, except for two years, 1779-80 and 1780-81; and we believe that the accounts for those two years are very accurate, though we do not give them with the same confidence that we do the other years accounts, which are all of them upon the journals of the House of Commons.

vinces of their dominion in India, I dare to
 reply, that they are, and their representa-
 tives

1765-6	£. 471,067	} Lord Clive's Government
1766-7	1,253,501	
1767-8	871,622	} Mr. Verelst's Government
1768-9	829,062	
1769-70	336,812	
1770-1	275,088	} Mr, Cartier's Government
1771-2	768,371	
1772-3	567,866	} Mr. Hastings's Government.
1773-4	1,031,806	
1774-5	1,625,336	
1775-6	1,871,021	
1776-7	1,767,491	
1777-8	1,200,623	
1778-9	1,040,437	
1779-80	377,677	
1780-1	354,454	
1781-2	275,782	
1782-3	1,029,622	
1783-4	1,163,224	} Sir John Macpherson's Go- vernment.
1784-5	1,128,612	
1785-6	1,038,987	
1786-7	1,660,868	

tives annually persist in telling them so, the most flourishing of all the states of India—It was I who made them so.

The valour of others acquired, I enlarged, and gave shape and consistency to the dominion which you hold there; I

1787-8	2,233,943	} Earl Cornwallis's Government
1788-9	2,767,369	
1789-90	2,807,444	

1790-91 2,295,811 By Estimate.

From this account it appears, that the actual nett profit received by the East-India Company, during Mr. Hastings's Government, was above twelve millions eight hundred thousand pounds, although, from the year 1777 8, to the close of his administration in 1784-5, the Bengal army was upon a war establishment; and in that period two considerable detachments were serving in the Carnatic and the West of India, and a third for some time in the province of Malwa. The restoration of peace, and the return of these armies, enabled the Bengal Government to reduce their military expences above a million sterling a year. This reduction, with the progressive improvement of the salt revenue, accounts for the considerable increase in the nett annual profits of the Company in Bengal since the resignation of Mr. Hastings.

preserved

preserved it: I sent forth its armies with an effectual, but oeconomic hand, through unknown and hostile regions, to the support of your other possessions, to the retrieval of one from degradation and dishonour; and of the other, from utter loss and subjection. I maintained the wars which were of your formation, or that of others, *not of mine*. I won one member of the great Indian confederacy from it by an act of seasonable restitution; with another, I maintained a secret intercourse, and converted him into a friend. A third I drew off by diversion and negotiation, and employed him as the instrument of peace. When you cried out for peace, and your cries were heard by those who were the object of it, I resisted this, and every other species of counteraction, by rising in my demands; and accomplished a peace, a lasting, and I hope everlasting one, with one great state; and I at least afforded the efficient means by which a peace, if not so durable, more seasonable at least, was accomplished with another.

I gave *you all*, and you have rewarded me with *confiscation, disgrace, and a life of imprisonment*.

One word more, my Lords, and I have done. It has been the fashion in the course of this trial, sometimes to represent the natives of India as the most virtuous, and sometimes as the most profligate of mankind. I attest their virtue, and offer this unanswerable proof of it.

When I was arraigned before your Lordships in the names of the Commons of Great Britain, for sacrificing their honour by acts of injustice, oppression, cruelty, and rapacity, committed upon the Princes, Nobles, and Commonalty, of Hindostan, the natives of India of all ranks came forward unsolicited to clear my reputation from the obloquy with which it was loaded. They manifested a generosity, of which we have no example in the European world: their conduct was the effect of their sense of gratitude for the benefits they had received during my administration.

My

My Lords, I wish I had received the same justice from my country.

The testimonials of the natives of India were sent to the Government of Bengal, authenticated by the various official channels, through which they passed; by the Government of Bengal to the Court of Directors, with their translations; and copies of the latter by the Court of Directors to the late House of Commons, on whose journals they still remain.

To these let me add, the address of my fellow citizens inhabiting the town of Calcutta, presented on the day on which I left them to return to England, and of the British officers in India, written and sent after me, many months after I had left it. Authenticated copies of these too were read in the House of Commons, and while I have life, I will gratefully preserve the originals, as the most honourable testimony of a life well spent, and of a trust faithfully discharged; because bestowed by those who had the nearest, and consequently the surest means of knowing it.

My Lords, I am aware of the promptitude with which my accusers will seize on this exposition of my merits and services, to construe them (to use the phrase which they have already applied to them) a set-off against confessed offences.

I disclaim and protest against this use of them. If I am guilty of the offences laid to my charge, let me be convicted, and let my punishment be such as those offences shall deserve.

No, my Lords; I have troubled you with this long recital, not as an extenuation of the crimes which have been imputed to me, but as an argument of the impossibility of my having committed them.

My Lords, when I solicited your indulgence for this day's hearing, I did it under a belief, that there would be ample time in this session for your Lordships to give judgement. Without that belief I should not have urged the request which I made on Monday last. I assure your Lordships,
that

that there is no object upon earth so near my heart as that of an immediate determination of this tedious prosecution. I am so confident of my own innocence, and have such perfect reliance upon the honour of your Lordships, that I am not afraid to submit to judgement upon the evidence, which has been adduced on the part of the prosecution.

My Lords, it is impossible for me to know the limits of the present Session of Parliament; and under this uncertainty, I can only say, that if there be sufficient time for your Lordships to come to a final judgement before the prorogation of it, then I most chearfully and willingly rest the cause where it now stands.

I am above all things desirous that your Lordships should come to an immediate decision upon the evidence before you. But if the shortness of time should prevent your Lordships from complying with this my earnest desire, and the trial must of necessity, and to my unspeakable sorrow
be

be prolonged to another session, then, my Lords, I trust you will not consider me, by any thing I have said, as precluded from adopting such means of defence as my Counsel may judge most advisable for my interest.

THE END.

Observations on the Impeachment.

December 18, 1791.

AN apology is due to Mr. Hastings for a liberty which has been taken in the preceding speech without his knowledge, of adding certain explanatory documents ; but it was conceived that they would tend to elucidate the subject to those who are not thoroughly versed in the politics of India. The note upon the bullock contract was written by a gentleman who has long served in India, and who could not separate Sir James Erskine St. Clair, a Lieutenant Colonel in his Majesty's service, from the same gentleman, a Member of Parliament. In the course of service, his Majesty may order that officer to India ; his ignorance might therefore be dangerous to the State ; and in the late Gazette Extraordinary we have a most melancholy proof of the consequences resulting from a failure in this essential branch of military service : it will be

generally allowed that Mr. Hastings and Sir Eyre Coote took every possible precaution to ensure a faithful performance of the important contract which they formed with Mr. Croftes ; nor was there a single complaint of neglect of duty, or of fraud, in that gentleman, or his successor, during the late arduous war ; yet the memory of Sir Eyre Coote has been most ungenerously traduced, and Mr. Hastings has been five years impeached, because he did not literally obey the most impolitic and dangerous order that ever was issued by a public body, or by an individual, when he formed the bullock contract.

The writer has had the honour to receive an acknowledgment of the accuracy with which he has given Indian details, even from Mr. Pitt himself, an honour of which he cannot be very proud, because no man living has been more *inconsistent* than Mr. Pitt since the commencement of Mr. Hastings's trial.

Of inconsistency in Westminster Hall, the writer does not presume to accuse the gentlemen in opposition, but he will venture to say, that their speeches before the Lords are directly at variance with their support of Mr. Dundas, in five successive years.

With all his respect for the talents of Mr. Fox and Mr. Pitt, Mr. Sheridan and Mr. Dundas, he is confident that they cannot reconcile, to any principle of justice, the contradictory resolutions which stain the journals of the last Parliament, relative to India.

Under any other circumstances the writer would not have taken the present moment to deliver his sentiments so freely, but when Mr. Burke completely seceded from his party in the Summer, he discovered the secrets *of the party* so fully, that the world will no longer wonder how it

happened, that the late Parliament voted for thirteen articles, which they never read at all, and for seven more which they passed, without coming to a separate vote upon the different allegations contained in those articles.

In his appeal from living to dead Whigs, Mr. Burke says, “ He was, however, well
 “ aware of the great probability that per-
 “ sons of their just credit and influence
 (meaning Mr. Fox and Mr. Sheridan)
 “ would at length dispose the greater
 “ number to an agreement with their sen-
 “ timents, *and, perhaps, might induce the*
 “ *whole body to a tacit acquiescence in their*
 “ *declarations, under a natural and not al-*
 “ *ways an improper dislike of shewing a*
 “ *difference with those who lead their party :*
 “ *I will not deny, that in general this conduct*
 “ *in parties is defensible ; but within what*
 “ *limits the practice is to be circumscribed,*
 “ *and with what exceptions the doctrine*
 “ *which*

*“ which supports it is to be received, it is not
 “ my present purpose to define.”*

This is a most melancholy truth ; but it gives at the same time a complete clue to the history of Mr. Hastings’s impeachment.

The writer of these observations knows, that, in a very early stage of the business, there was a meeting of *the party* at the Duke of Portland’s, where Mr. Burke stated the substance of what he should propose, and actually did propose on the following day in the House of Commons.

It must be a fact well known to gentlemen who mix with the world, that there are many Members of *the party*, who, as individuals, execrate the impeachment ; but as Mr. Burke has said, applying the observation to his own case, “ This is to
 “ be considered only as a peculiarity which
 “ they

“ they indulge *to their own private liberty*
 “ *of thinking : it has nothing to do with*
 “ *them as Members of a party.*”

It being therefore *determined* that Mr. Burke should be *supported* in the impeachment, it was extremely natural for the party to trust the detail to him only ; nor does the writer presume to censure those Members who thus gave up their private judgement, because, in all parliamentary concerns, confidence must be given to the leaders of parties. Few Members were able to comprehend every point in the Irish Propositions ; of course they voted with Mr. Pitt, in confidence that he was right ; and still more so in the Russian business, where no sort of information was afforded.

The intricacies of Indian details, and the contradictory accounts given of that country by different people, were sufficient to deter gentlemen from entering into them,
 provided.

provided they had no particular object to gratify, in studying so dry a subject: it was extremely natural, therefore, upon Mr. Burke's principles, that *the party* should blindly follow their leaders, in voting the articles of impeachment. Allowance must also be made for human passions and infirmities. Mr. Fox had repeatedly declared, that Mr. Pitt got into power by the support and assistance of the East-India Company, and that the Company was a mere name, an instrument in the hands of the tools and creatures of Mr. Hastings.

To the resentment which might be supposed to actuate *the party*, another very material consideration is to be added. The late House of Commons, by voting the articles, fully and completely justified Mr. Fox in proposing his India bill in the preceding Parliament; and if, in the course of a four-years prosecution, he *could* have substantiated, *by evidence*, the material allegations

tions

tions in the articles, the British nation must have been convinced, that he had fallen a sacrifice to the basest combination that ever was formed, for the destruction of a deserving Minister.

In originally undertaking the impeachment of Mr. Hastings, the writer can well conceive the heads of Opposition to have been actuated by repentment, and by a wish to justify their own India system. He can well conceive, that *the party* in general followed them, upon the principle which Mr. Burke has published to the whole world; yet much and deeply as he has reflected upon the subject, he has never been able to account for the conduct of Mr. Pitt, upon any one rational principle.

This is a point of so much importance, that, in treating upon it, the writer is most anxious not to be misunderstood, or misrepresented. He does not blame Mr. Pitt,
he

he never did blame him for voting to impeach Mr. Hastings, provided it was his honest opinion that he ought to be impeached ; but that Mr. Pitt, the Minister of the Country, and a Minister of India, should have permitted *articles* to be presented, which are contrary to his own sentiments, most solemnly and publicly delivered : which are contrary to *the principles* by which India is now governed : which *reprobate* as criminal various arrangements that Mr. Pitt has given his *entire approbation* to : which declare a country to be ruined and destroyed, that he has *himself* affirmed to be *most prosperous and flourishing* : that Mr. Pitt should have suffered articles of this description to be presented to a Court of Justice, without opposing them in every stage, always appeared to the writer to be a denial of *justice*, to a man whom *the Minister* had described, as the preserver of India to Great Britain, and naturally leading to a wanton profusion of the public

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money,

money, in an attempt to prove allegations, which, being utterly unfounded, were incapable of proof.

In the course of these observations the writer will endeavour, with as much conciseness as possible, to state the share which the Minister had in the impeachment, and he hopes he shall do it with an accuracy that will entitle him to a repetition of the honourable testimony which he received from Mr. Pitt a few years ago.

No man living could have displayed a firmer regard for the honour and dignity of Parliament, or for the fixed and immutable principles of justice, than Mr. Pitt did at the commencement of this singular cause ; nor a greater earnestness to avoid that *error, into which*, with his eyes open, *he afterwards fell*.

In the first year, 1786, he laid down his principles most explicitly ; and the *first and leading*

leading principle was, that Mr. Hastings could not, *with any colour of justice*, be impeached for acts which had been done prior to his several parliamentary appointments, unless his prosecutors could produce some evidence which had hitherto been concealed. Mr. Hastings, it is true, never claimed this, nor any other indulgence,

His *next principles* were laid down during the discussion of the Benares debate ; and in that debate he certainly discovered a deeper knowledge of the constitution and customs of India, than any one of the Managers, or than the body united, have since displayed.

His *principles* were delivered with a solemnity never to be forgotten, and with a perspicuity which made them universally intelligible : let it suffice to say now, that if they were well founded, it is impossible to censure Mr. Hastings for his conduct to

Cheynt Sing, although Mr. Pitt did censure him for something that he had *intended* to do to that zemindar,

But the close of his speech was the most remarkable, in which he declared, “ *that*
 “ *if Mr. Hastings should hereafter be im-*
 “ *peached, he would vote, that his intention*
 “ *to fine Cheyt Sing in the enormous sum of*
 “ *fifty lacks should make one article in the*
 “ *impeachment.*”

In the second year, 1787, he in like manner stated, in terms *clear* and *precise*, what parts of the Begum charge ought to form an article in the impeachment, refuting by much the greater number of the allegations.

And in the subsequent stages of the business, so well aware was Mr. Pitt of the possibility of the late Parliament's falling into the error which it did fall into, that on
 the

the 15th of March he observed, “ that
 “ after what had passed he believed there
 “ was no one who had any regard to the
 “ dignity of Parliament, *or to the ends of*
 “ *public and substantial* justice, that could
 “ have any wish but to forward it as much
 “ as possible, and to bring it before the
 “ other House *in the most unquestionable shape*;
 “ but he conceived that it was by no
 “ means the best way to the end they had
 “ in view, to clog it with *useless, unneces-*
 “ *sary, and impracticable matter.*”

After this sensible hint, Mr. Pitt moved
 an amendment to the charge of contracts;
 but he was beat in the Committee by a
 majority of *nine*.

On the twenty-second of March Mr.
 Pitt observed, “ *that having only parti-*
 “ *ally acquiesced* in the propriety of seve-
 “ ral of these charges, *particularly con-*
 “ *cerning the affair of Benares and the con-*
 “ *tracts,*

“ *tracts*, he should endeavour to bring the
 “ matter before the House in such a way as
 “ would relieve him from the unpleasant
 “ alternative of being obliged either to
 “ dissent *in toto* from a proposition, to fe-
 “ veral parts of which he wished to give
 “ his concurrence, or to vote for one
 “ which contained some circumstances to
 “ which he was adverse. But whether
 “ he should for this purpose *make a sepa-*
 “ *rate motion*, or only *move an amendment*,
 “ when the business was brought before
 “ the House by those who conducted the
 “ prosecution, *he was not as yet prepared*
 “ *to determine.*”

On the 2d of April the Chancellor of the
 Exchequer observed, “ *that in a business of*
 “ *such consequence as that in which they were*
 “ *engaged*, he felt every stage become more
 “ *and more important* ; he could not there-
 “ fore repress *his anxiety to preserve that*
 “ *degree of formality and regularity in the*
 “ *pro-*

“ *proceeding*, which should leave him and
 “ other Members at full liberty to deliver
 “ their votes singly and exclusively on the
 “ merits of the grand question of im-
 “ peachment, and free from any objec-
 “ tions that might be made to the form in
 “ which that question should come for-
 “ ward. He therefore requested to know
 “ how Mr. Burke wished to proceed. For
 “ his part, having in some of the articles
 “ gone *only a certain length in his assent, and*
 “ *by no means admitted a degree of guilt*
 “ *equal to that imputed in the charges*, he
 “ could not think himself justified in join-
 “ ing in a general vote of impeachment
 “ *which might seem to countenance the whole*
 “ *of each several charge, those parts which*
 “ *were really criminal, as well as those*
 “ *which were of an exculpatory nature.*”

Mr. Pitt then recommended, that the
 charges should be sent to a Committee to
 frame them into articles ; and when those
 were

were voted, then to move the question of impeachment. He added, if, on the contrary, the impeachment was immediately moved, “ he should find himself under a
 “ necessity of moving several amendments,
 “ confining the effects of each charge to that
 “ degree of real guilt which he thought appeared in it.”

That Mr. Pitt might more fully mark the line which he meant to take, he declared in the next debate, that he should, in a future stage of the proceeding, “ *submit some propositions to the House by way*
 “ *of narrowing the subject matter of im-*
 “ *peachment, and confining it to such objects*
 “ *as appeared to him of magnitude and probability sufficient to warrant such a proceeding.*”

Mr. Sheridan, on the 3d of April, urged Mr. Pitt, in very strong terms, to propose his amendments, and pointed out *the material*

terial distinction which he had taken in the Benares charge. He observed, that Mr. Pitt had even moved an amendment *himself* upon the charge of contracts, and added, “ that he knew not how Mr. Pitt “ could sit in his place and say YES, “ when the question was put upon it ; “ thereby affirming, that the contracts of “ Mr. Auriol and Mr. Belli *contained matter of high crimes and misdemeanors.*”

To these observations no reply was made by Mr. Pitt ; but Mr. Dundas urged to Mr. Sheridan the *impolicy* of provoking Mr. Pitt to move his amendments, as Mr. Sheridan must know the Minister, if he did move them, would be likely to receive *some support*. He rather advised the Opposition, therefore, *to let the matter rest*, as in a fortnight *Mr. Pitt might change his mind*. The advice was taken in good part, and followed. Mr. Pitt *did change his mind*. He never did propose *any amendment*, but voted

for every thing the Managers finally produced, though as opposite to *his own* DECLARED *sentiments*, as *light* is to *darkness*.

The writer of these sheets had such complete reliance on the word and honour of Mr. Pitt, that he believed no consideration upon earth would have induced him to allow a House of Commons to present articles of impeachment against a valuable public servant, until he had pointed out with that clearness and perspicuity which distinguishes his oratory, such parts of those articles as appeared to him to be *not crimes*, but *acts of great merit*. If after he had so pointed them out, and divided the House upon the several allegations, he had been left in a minority, then no public or private man could have expected more from him: he would have discharged his duty to his country, to Mr. Hastings, and to his own conscience.

But

But the injustice of this proceeding, both to Mr. Hastings and the Public, is this : that all the *influence* possessed by Mr. Pitt was exerted to procure a vote from the late Parliament, that there was *something* for which he ought to be impeached; while Mr. Pitt withheld his influence *totally* upon the most material point of all, which was, when the House were to determine, *for what he should be impeached*: the consequence is, that Mr. Hastings has already been four years upon his trial, for acts which the Minister of England has declared to be highly meritorious.

By influence, the writer does not mean to insinuate that Mr. Pitt corruptly influenced any one gentleman to vote, in any one stage of Mr. Hastings's impeachment, or that any one Member *would* have given a corrupt vote, upon any question: he will elucidate what he means, by stating a fact.

In the last session of the last Parliament the House passed a bill for fixing the proportion of slaves to be carried in ships of different tonnage, to the West Indies. A majority adopted the opinion of a respectable sea officer, (Lord Hood), and Mr. Pitt was left in a minority, *in one stage of the bill*. He then gave notice (as he had done in the case of Mr. Hastings) that he would move an amendment on the Report, which he accordingly did, *and his amendment was carried by a considerable majority*.

The writer cannot take upon him positively to affirm, that Mr. Pitt would have been equally successful, had he made his promised amendments to the articles ; but he conscientiously believes he would, because he does not think it possible that a British Parliament would have prosecuted one man for acts which they had highly approved in another, or that they would have voted that Mr. Hastings had ruined a
 2 country,

country, while their table was covered over with proofs that he had left it *in a most flourishing state*, provided the Minister had brought the subject fully and fairly before them.

Thinking as the writer does of the extent of Mr. Pitt's influence, and of the force of his eloquence, he deems his breach of promise to be a most unfortunate event to the country, to the individual prosecuted, and to the dignity and honour of Parliament. Upon Mr. Pitt's ideas, the writer is confident that the trial of Mr. Hastings could not have lasted ten days, because all those allegations in the articles, as they now stand, which occasioned such eternal disputes upon the admissibility of evidence, would have been utterly rejected by the House of Commons, had Mr. Pitt moved and carried his amendments.

The Benares article he would have confined

fined *to one single point*, the enormity of the fine *intended* to have been imposed upon Cheyt Sing.

The Begum article, *to two points*, the resumption of the jaghires, and treasures. The contracts to three points, the bullock and opium contract, and Sir Eyre Coote's allowances.

The article of presents, to the sums avowed to have been received by Mr. Hastings subsequent to the year 1778. The remaining two articles, Fyzoola Cawn and Furruckabad, are abandoned.

The facts, in all these points, are fully admitted by the defendant. After hearing his explanatory evidence, it would only have remained with the Lords to determine, whether they were *crimes*, or acts which entitled Mr. Hastings to the good opinion of his country.

It

It should be particularly remembered, that the impeachment was voted upon the six articles above mentioned ; and to those articles the preceding observations apply. The writer could very safely appeal to Mr. Pitt himself, for the fairness of the preceding statement. He has made it repeatedly, both in and out of Parliament ; but he conceives that it does make a proper addition to the speech of Mr. Hastings at the present moment.

There was a seventh article voted afterwards, called *the revenues*, which Mr. Fox affirmed, and with the strictest truth, *to be the most important of them all*. That article the Minister opposed *in toto* ; but being left in a *minority* on the division, in the first and least important stage, and in a very thin House, he never interfered in any future stage of it, although it certainly did involve the last House, and Mr. Pitt himself, in an absurdity never enough
to

to be lamented; for it happened, that nearly on the day this article was voted, which states in terms the ruin and destruction which Mr. Hastings had brought upon Bengal, the India Minister, Mr. Dundas, assured the House*, “ That flattering as “ he thought the state of our affairs at “ home, and confident as he was of the “ care that would be taken of them by the “ present Administration, the prospect “ they presented was *darkness* opposed to “ *light* itself, when compared with the “ prospect presented by our affairs in “ India.”

The leaders of Opposition did not contradict this assertion, though Mr. Francis, a center-rank man, entered into some discussion upon the subject; but even *he*, in common *with the whole House*, permitted Mr. Dundas’s resolutions to be entered

* April 22, 1787.

upon the journals, *which fully confirmed his statement*, and which are in themselves a libel upon the articles of impeachment; for it would be an insult to the common sense of mankind to offer proofs of a fact which must be self evident. Mr. Hastings did not resign his station until February 1785; Mr. Dundas in April 1787, when he stated the flourishing state of India, had no advices from that country later than September 1786, but nineteen months subsequent to the resignation of Mr. Hastings. If, therefore, we agree with Mr. Dundas, that the British empire in India was so flourishing, that it was as *light* opposed to *darkness*, compared to the state of England, the merit can only belong to Mr. Hastings: those who think, with the Managers, that Bengal was depopulated, and her revenues diminished, must of course impute the depopulation and diminution of resources to Mr. Hastings; but the man who can so think, against the mass of evi-

dence which has been produced to prove the reverse, is more calculated for an inhabitant of Bedlam, than to be a companion to rational creatures.

But this is not the greatest absurdity in which the last Parliament was involved on the subject of this impeachment. The writer has not yet got beyond *seven* of the articles. The last thirteen were not voted until a fortnight after Mr. Hastings had been impeached, and under bail ; and they were voted in such a manner, that the writer trusts it will operate as a caution to all great bodies, not to be too hasty in voting upon a judicial question hereafter.

Mr. Burke presented them on the 23d of May, 1787. One word of each article was read *pro forma* instantly, just as the House was rising, and an order passed for their being printed, *for the information of the Members* ; but the next day, the 24th, upon

upon the motion of Mr. Burke, they were read *pro forma* a second time, and *instantly voted by the House, without a word said upon them.*

On the 28th this vast mass of matter was printed; but on that same day Mr. Burke was ordered to carry these articles to the House of Lords, although the writer of these sheets intreated the House to condescend to examine what was going to be presented in their names, *of which they knew nothing*; but he intreated in vain. In this mass was that unjustifiable charge against Captain Williams, which placed the late Parliament in so awkward a situation; and these articles strongly condemn that arrangement, *to which the King's Ministers had given their complete and repeated approbation.*

The observations which the writer has here given he took the liberty to repeat in

this Parliament, in the humble hope that Mr. Pitt would have done what he promised to do in the last ; but the House in its wisdom thought proper to order the Managers to proceed no farther than to one more article, thereby *abandoning totally* the greater part of what the last Parliament had so inconsiderately voted, but leaving it still as a criminal charge against Mr. Hastings, that he had diminished the revenues of Bengal ; that he had oppressed, ruined, and destroyed the natives ; that he had given corrupt contracts to Mr. Belli and Mr. Auriol ; and that he had called upon Cheyt Sing to contribute his proportion to the expences of the last war. To all these charges Mr. Pitt *had refused his assent*, and even opposed them with powerful arguments.

In short, without presuming to call in question the wisdom or justice of Parliament, the writer can boldly and confidently
 affirm,

affirm, that it is not possible to explain these inconsistencies, or reconcile *the principles* upon which the present Ministers govern India, with *the principles* which they professed, when they voted to impeach Mr. Hastings.

The difference in the conduct of Mr. Pitt and the Opposition towards Mr. Hastings, in many material instances, is this :

Mr. Pitt, by his speeches, pronounced him not only to be innocent, but that his actions merited the highest praise—but, by his final vote, he condemned him for those acts,

The Opposition pronounced him to be guilty by their votes, and declared him to be so in their speeches ; but they have produced evidence in Westminster Hall, which proves that Bengal, under his administration, increased in agriculture, population, and

and revenue, and that the country was governed better by him, than by the native Sovereigns,

Nor is this any discovery. Mr. Pitt, from an anxious regard for the credit of the country, most pointedly contradicted Mr. Francis, when that gentleman affirmed, that the revenues of Bengal had been diminished by Mr. Hastings. Not contented with this, Mr. Pitt affirmed, that Bengal was in a most prosperous and flourishing state ; and he proved his correctness in the assertion by the evidence of figures. How Mr. Pitt, having once said NO, could afterwards say YES, to Mr. Francis's charge : how he *could* vote for articles so repugnant to his *avowed principles*, so contrary to the system by which he himself governs India, is a mystery which passeth all understanding.

Mr. Hastings in his speech states it as
matter

matter of complaint, that the Managers, who were deputed to prove the charge against him, had reviled him. In this they certainly followed a precedent, but a precedent which Mr. Burke violently censured, when he told the House of Commons that “ he could not insult and ridicule “ millions of his fellow creatures, as Sir Edward Coke had insulted one excellent individual (Sir Walter Raleigh) at the bar.”

There is an instance in the British history which bears a close analogy to the most material feature in Mr. Hastings's prosecution.

An ancestor of the Duke of Argyle was tried for high treason, and other crimes, very soon after the Restoration of Charles the Second, before the House of Lords of Scotland.

He was charged with committing a great
 . variety

variety of crimes in the course of *thirteen* or *fourteen* years. In this point the case of the Marquis of Argyle and of Mr. Hastings are exactly similar ; for the first allegation against Mr. Hastings, in point of date, was so far back as 1772, and the last comes down to 1785.

To the acts committed in the earlier part of the period, the Marquis pleaded an act of indemnity : and the King, unprincipled, arbitrary, and tyrannical as he was in other instances, allowed the justice of the plea, and ordered the Lord Advocate not to prosecute the Marquis for any criminal act alleged to have been “ *committed prior to* “ 1651, when the act of indemnity was “ passed.”

Charles was possibly influenced in this determination by the judgement which the world had passed on the execution of Sir Walter Raleigh, in the reign of his grandfather.

father. Sir Walter had been tried for his life, and condemned to death ; but subsequent to his trial James released him from the Tower, and employed him in the public service. It was contended, and is now generally admitted, that his employment should have operated as an act of indemnity, and all our historians have looked upon Sir Walter's execution as a foul and an atrocious murder.

Mr. Pitt reasoned, in the *early part* of Mr. Hastings's impeachment, upon the honourable principles of Charles, and affirmed, that it would be in the highest degree unjust in the House to prosecute Mr. Hastings for acts done *prior to his several parliamentary re-appointments* ; such re-appointments being, in fact, *the fullest proof of parliamentary approbation.*

But in the end he differed from Charles the Second, and voted to impeach Mr.

E

Hastings

Hastings for acts done *in the year 1772*, although he knew that, between 1772 and 1785, Mr. Hastings had been four several times appointed by the Legislature, the Governor General of Bengal.

It was alledged as a crime against the Marquis, that he had submitted to the usurpation of Oliver Cromwell.

In reply, he modestly observed, “What
“ could I think of that matter, after a
“ man, so eminent in the law as his Ma-
“ jesty’s Advocate, had taken the engage-
“ ment?”

“ This inflamed the Lord Advocate so
“ much, that he called the Marquis *an*
“ *impudent villain*; and he was not so
“ much as chide for that barbarous treat-
“ ment*.”

* Bishop Burnet’s History.

Here also an accurate observer will perceive a most striking similarity in the conduct of the two prosecutions in the two centuries,

Mr. Hastings not only received the most public acknowledgements of his long, faithful, and able service, from the man who was *Lord Advocate*, and is now one of his Majesty's Secretaries of State, but he knew that the Secretary had directed certain arrangements which Mr. Hastings had formed, *to be invariably adhered to.*

He knew also, that the Secretary had declared, that, after an attentive perusal, he approved the arrangements, and the principles on which they were formed.

He knew also, that the Secretary voted to impeach him of high crimes and misdemeanors, *for forming the arrangements alluded to.*

“ Could I,” said the Marquis of Argyle,
 “ think *that* engagement was criminal
 “ which the King’s Advocate took, as well
 “ as I did ?”—“ You are an impudent vil-
 “ lain,” was the answer.

“ The King’s Ministers,” said Mr. Hast-
 ings, “ voted to impeach me for acts which
 “ they themselves have approved, and for
 “ arrangements which they have ordered to
 “ be rigidly adhered to.”

Mr. Fox, more polite than the Lord Ad-
 vocate of the last century, contented him-
 self by replying, “ that it was impossible for
 “ Mr. Hastings to know *how the King’s*
 “ *Ministers voted :*” an assertion in which
 Mr. Fox may be founded, if he intrenches
 himself under privilege, but not if he will
 “ allow the matter to be determined by com-
 mon sense ; for though it is a very great
 reflection upon the King’s India Ministers
 to say, that as Members of Parliament
 they

they voted to impeach Mr. Hastings for acts which they themselves had approved, it would be as great a reflection upon them to say, that they did not vote at all, since it was more especially their duty, as Ministers, to consider and weigh each allegation in each article, most seriously.

The fact is, that the King's Ministers *did* vote for the articles to which Mr. Hastings alludes; and it is also a fact, which the writer of these observations has often stated in the last Parliament, that they never read a line of them. This makes no alteration to Mr. Hastings; the injustice towards him is equally great, and it is unparalleled in the History of England.

The writer has gone more into detail upon this subject than he intended; but he conceived it might be of some service to the present age, and to posterity, to point out how the last Parliament was drawn on,

step by step, to vote a very great number of articles, which contain assertions manifestly contradictory, to certain facts which are entered upon the journals of that same Parliament, and repeated in four following sessions.

Men wonder now how it happened that Lord Somers, the most upright and virtuous man of the age in which he lived, could have been impeached for corruption, and other high crimes and misdemeanors.

Men do wonder, while the impeachment of Mr. Hastings is depending, how he could have been held out to the world as a man hated and detested throughout India, while all India is united in his favour, and when the natives of India have given the most unequivocal proofs of their regard and affection for him.

That there is something of a twist in the under-

understanding of the man who made the charge, no person can doubt ; but that a liberal and an enlightened society of gentlemen should adopt it, would have been a matter of astonishment, indeed, if Mr. Burke had not explained to us in what manner reason, justice, and common sense, are daily sacrificed at the shrine of party.

In a parliamentary report, drawn up by Mr. Burke*, he tells the British nation, that
 “ such are the abuses and disorders prevail-
 “ ing in the Government of Bengal, and the
 “ oppressions suffered by the natives, so va-
 “ rious, heavy, and complicated, that no-
 “ thing less than utter ruin was threatened
 “ to those lately-flourishing countries.”

In a studied speech upon Mr. Fox's bill †, which Mr. Burke afterwards printed,

* In February, 1783.

† The first of December, 1783.

he says, in speaking of Bengal, “ England
 “ has erected no churches, no hospitals,
 “ no palaces, no schools ; England has
 “ built no bridges, made no high roads,
 “ cut no navigations, dug out no refer-
 “ voirs. Every other conqueror, of every
 “ other description, has left some monu-
 “ ment of state, or beneficence, behind
 “ him. *Were we to be driven out of India*
 “ *this day, nothing would remain to tell that*
 “ *it had been possessed, during the inglorious*
 “ *period of our dominion, by any thing better*
 “ *than the Ourang Outang, or the Tiger.*”

The falshood of such assertions can only
 be equalled by their folly ; but although it
 be a notorious fact that England *has* erected
 churches, hospitals, palaces, and schools,
 in Bengal, that *she has* built bridges, made
 high roads, cut navigations, and dug refer-
 voirs, *the whole force of the party*, both in
 and out of Parliament, was exerted to
 support Mr. Burke in these, and in all the
 wild

wild assertions which he has made relative to India in the last ten years; and the public treasure has been wasted with a profusion not very creditable to the Minister, who is the natural guardian of the people's money, in the vain attempt to prove certain facts, *which the Minister himself has declared to be utterly unfounded* *."

The writer of these sheets has very narrowly watched the conduct of Mr. Burke: he has traced him through all his inconsistencies; but the following page, in his last publication, has most particularly attracted his attention.

* The writer here more particularly alludes to the sum levied annually upon Cheyt Sing during the late war, stated by the Managers to be a very high crime, but allowed by Mr. Pitt to be a very proper and meritorious act; and to the charge that Mr. Hastings had diminished the revenues of Bengal, Mr. Pitt having proved, by the evidence of figures, that he had increased them.

“ These societies of modern Whigs push
 “ their insolence as far as it can go. In
 “ order to prepare the minds of the people
 “ for treason and rebellion, they represent
 “ the King as tainted with principles of
 “ despotism, from the circumstance of his
 “ having dominions in Germany. *In direct*
 “ *defiance of the most notorious truth, they*
 “ *describe his Government there to be a despo-*
 “ *tism*; whereas it is a free Constitution,
 “ in which the States of the Electorate
 “ have their part in the government; and
 “ this privilege has never been infringed
 “ by the King, or that I have heard of by
 “ any of his predecessors. The Constitu-
 “ tion of the Electoral dominions has, in-
 “ deed, a double control, both from the
 “ laws of the empire, and from the privi-
 “ leges of the country. Whatever rights
 “ the King enjoys as Elector, have been
 “ always *parentally exercised, and the calum-*
 “ *nies of these scandalous societies have not*
 “ *been authorised by a single complaint of*
 “ *oppression.*”

The writer does not know that any societies of modern Whigs are guilty of the charge here brought against them ; but should any *modern Whig* have treated his Majesty with so much injustice and indecency, he *may* say, “ *Non meus est hic* “ *Sermo.*” “ Mr. Burke told me many years ago, “ that a body of men, called “ *King’s Friends*, had corrupted the House “ of Commons, and had destroyed the “ spirit of the Constitution.”

The writer means not to examine whether Mr. Burke’s charge against *his old friends* be true or false ; he has inserted the passage entire, because some parts of it apply *most pointedly* to the impeachment of Mr. Hastings.

Mr. Burke’s has *now* discovered, that should a man affirm the King’s government in Hanover to be a despotism, in order to impute despotic principles to his Majesty, it must be *in defiance of the most notorious truth.*

Yet with the same “ *defiance of the most notorious truth,*” Mr. Burke continues to affirm, in the name of all the Commons of Great Britain, that the revenues of Bengal were diminished, and the natives oppressed, ruined, and destroyed, by Mr. Hastings.

He affirms it in direct contradiction to the solemn assertion of his new friend, Mr. Dundas, who, almost on the same day that Mr. Burke gave the most gloomy picture of India, declared, “ that the flourishing state of *England*, when compared to that of *India*, was as *darkness* opposed to *light* *.”

Mr. Burke affirms, that the King’s authority in Hanover *has always been parentally exercised*. The writer, from the high opinion he entertains of his Majesty’s virtues, would have given full credit to Mr. Burke upon this subject, even if he had not brought *an uncontrovertible proof of the truth of this assertion* ; for Mr. Burke adds, “ that

* In April, 1787.

“ the calumnies of these scandalous societies *have not been authorized by a single complaint of oppression.*”

Have the calumnies uttered by “ scandalous societies,” against Mr. Hastings, been authorized by a single complaint of oppression? Has Mr. Burke been justified in applying the gross and indecent terms, “ Captain General of Iniquity,” to Mr. Hastings *, by any one tittle of *evidence* that he has produced in four years? Has he been able to get *one man* to say, “ that when Mr. Hastings resigned, India felt relieved from a weight under which she had long groaned † ?”

On the contrary, does not Mr. Burke know, that the natives of India have joined almost as one man to bear testimony in the favour of Mr. Hastings? and will he say,

* In his opening speech in Westminster Hall, February 1788, the first day.

† His speech on the 4th day of his opening.

that

that six years was not an ample time to enable the people of India to load the records of the Company with complaints against Mr. Hastings, instead of panegyrics in his behalf, if but one, in one thousand of the tales told by Mr. Burke, were well founded ?

The writer most readily admits, that Mr. Burke's reasoning, applied to his Majesty as Elector of Hanover, is fair, is just, and is honourable. The want of *a single complaint* affords decisive proof, *that no cause for complaint exists* : but as Mr. Burke can reason so well at times, yet act so ill, he must be either a very bad man, or a very mad man ; for in the case of Mr. Hastings, it is not merely *the absence of all complaint* which *'prima facie'*, and even upon Mr. Burke's reasoning, proves, that no cause for complaint exists ; but no sooner did Mr. Burke speak in the name of all the people of India, than they all *dissown'd* him : nor is this all ; the King's Ministers fully

fully acknowledged the long, faithful, and able services of Mr. Hastings; they adopted his systems; and they govern the British empire in the East, at the present moment, precisely *upon those principles which they have voted to be criminal in him to avow.*

That twenty articles of impeachment, including in them the allegations we have noticed, should have been voted against Mr. Hastings, will be a matter of wonder to future ages. It would have been difficult to account for the fact *upon any grounds*, (upon *rational grounds*, no man can account for it) if Mr. Burke, in his last publication, had not cleared up the mystery; and with two quotations from that curious work, and a short observation, the writer will close his remarks.

“ As to leaders in parties, nothing is
 “ more common than to see them blindly
 “ led*.” The observation is a just one,

* Mr. Burke's Appeal, page 96.

and was made long ago by the late Mr. Pulteney.

Mr. Burke himself had for many years the credit of leading the Rockingham party, and of leading them into many absurdities. He best knows whether he led *them*, or followed *their lead*. Let it be supposed, that a man who has influence with the leaders of a party, is capable of acting absurdly, or wildly ; of feeling sore from disappointment ; of being actuated by rage, by malice, or by revenge ; and you have at once a clue to the impeachment of Mr. Hastings. Should any gentlemen of the party entertain different sentiments from this leader of leaders, “ it is to be
 “ considered only as a peculiarity which
 “ they indulge to their own private liberty
 . “ of thinking. *It has nothing to do with*
 “ *them as Members of a party. In their*
 “ *public capacity, in every thing that meets*
 “ *the public ear, or public eye, the body must*
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